

**CHARTER COMMISSION
(PUBLIC HEARING)**

April 30, 2003

6:00 P.M.

Chairman Dykstra called the meeting to order.

Chairman Dykstra called for the Pledge of Allegiance, this function led by Commissioner Wihby.

The clerk called the roll.

Present: Leona Dykstra, Bob Shaw, Donna Soucy, Brad Cook, Patrick Duffy, Keith Hirschmann, Leo Pepino, Nancy Tessier, Michael Wihby

Messr: Deputy Solicitor Arnold

Chairman Dykstra addressed item 4 on the agenda:

Chairman Dykstra advised that the purpose of the public hearing is to provide an opportunity for residents of Manchester to offer comments on the preliminary report of the Charter Commission and any comments must be directed to the Chair.

Chairman Dykstra addressed item 5 on the agenda:

Chairman Dykstra requested Deputy Clerk Johnson to present the Commission's preliminary report.
(Forwarded under separate cover and copies available at the office of the City Clerk).

Deputy Clerk Johnson's comments were accompanied by a power point slide presentation.

Deputy Clerk Johnson stated thank you Madame Chairman and members of the Commission. For the record, my name is Carol Johnson. I am the Deputy Clerk for the City of Manchester, and I was requested by this Commission to present its

preliminary report this evening for public comment. I'd like to preface it by stating that the Clerk's office takes no position on this document. However, we have found it a very interesting and somewhat enjoyable event to be working with the Commission. With that, I want to say I'm honored that you trust me to do this for you, and I will proceed with the report. The preliminary report was released April 21st by our office at which time it was made available to the public for review. The statutory requirements for the Commission is that the Commission must review the need for a Charter revision. They have to report their preliminary findings for public review within 180 days of when they were established which is what they did and are still doing. The final report is due 225 days out which is June 18th of this year. The Commission will continue in existence beyond that for 30 to 60 days. On the next slide, we talk about the Commission's finding. The finding of this Commission was that there was need for Charter revision. The complete document that is the preliminary report was done through a majority vote of the Commission. There is a listing of key revisions as part of that report to sort of summarize major items. Those items were done from majority votes to unanimous votes on an individual basis. They took individual votes on those items. The Commission at the initiation did adopt the same rules as those of the Board of Mayor and Aldermen. It did not develop any special rules as they went forward with their process. I'd now like to just basically present the key revisions, and I have broken them out into categories. In the first instance, it's Elected Officials. The document clearly delineates out that eliminate immediately the At-Large Aldermanic and School Committee positions. The candidates that are elected in November, 2003 should the Charter pass as presently written would not be sworn into office in January. Additionally, the Welfare Commissioner has been changed to a department head appointed by the Mayor and approved by a majority of the Aldermen elected. That position, however, by Statute is a little different, so it would continue for its two year process under statute and following that would follow the process of being appointed, so whoever was elected in November would serve out their term presumably and then at that point in time, the Mayor would bring in a nomination. The elimination of the At-Large positions leaves the Board with 12 Aldermen, one from each of the wards which is also part of the present Charter. Under Elections, the present proposal would maintain non-partisan elections, but it provides for a stipulation of party designation appearing on the ballot. That would be basically on the form of the ballot determined by the City Clerk. It might appear as an R or a D or an Undeclared status. The Undeclared as well as the major party would have to be placed on there. The status is based at the time of the filings. The primary elections would be established for all elected offices. Under the present Charter, there are primary elections only if there is a runoff. For example, in my household if there were three people running for an Alderman's position for Ward 12, which is where I happen to reside, there would be a primary at this point in time under the current Charter because there's more than two people running. Under the present Charter,

if there was only one person who signed up for office, there would be no primary election. This provision says whether there is one person or 10 people running for office, the office will be placed on the ballot, and there will be a write-in provision for that office as well. It changes the inauguration date to November starting in 2005. People who are elected this November, presuming this passed this November, would take office in January, so that the present Boards would finish out their term and all elected officials, and then following that in 2005, they would take their office in November two weeks after the election occurred. In terms of budgets, it changes the finalization of the municipal budget from early June to the first Tuesday in April. The Mayor would be required to submit his budget the first Tuesday in January ordinarily. However, there is a transition provision provided that the incoming Mayor would present a budget the first Tuesday in February, 2004. It changes the fallback budget provisions from the Mayor's initial submission to the prior year budget if State law allows, and I should note that the House and Senate both passed a bill that provides for the allowance of that. The last I knew, it was awaiting the Governor's signature, and I recently heard perhaps the Governor has signed that. It also provides for biennial budgets in even years, but it does not allow for departmental carryovers, so each year in essence if there was anything left over, it would go back to the general fund for reappropriation. The compensation's key revisions, the Mayor's annual salary would remain at \$68,000.00 with benefits. However, he or she would not be allowed any retirement benefits. Those are allowed under the current Charter. The Aldermen would receive \$5,000.00 each with no benefits. Presently, they receive the \$5,000.00 each, but they are allowed benefits, and that is by ordinance. It is not contained within the Charter, so that is one of the major differences. The School Committee is being established at \$2,000.00 each which is their annual stipend now with no benefits which they presently do have benefits available to them as well. These compensations presently could be changed by the Board of Mayor and Aldermen. Under the proposal, they could not be changed by the Board of Mayor and Aldermen. With regards to Commissions, the proposal eliminates the Fire, Highway, Police, and Parks and Recreation and Cemetery Commissions. It does leave the Aviation, Water, and Elderly Services Commissions within the departmental category. There is a difference between departmental and non-departmental. Non-departmental are still allowed. However, this removes the Board of Mayor and Aldermen's authority to establish any departmental commissions unless statute or federal law would provide for it. The Mayor and one Alderman would be serving on the Airport Authority and the Water Commission. Presently the Mayor serves as an ex officio to the Water Commission, and the Airport Authority has no members of the Board on that Authority at this time. There would be a reconstruction basically of those two Commissions effective the first of January of next year. There is a provision for the Mayor to nominate with the condition that he attempt to nominate people that are presently serving. The Aldermen would choose an Alderman, and obviously

the Mayor goes along with the office. Public inclusion, the Commission felt that there was not enough inclusion of the public in some of the processes and provided for public knowledge. On all actions or matters before the Board of Mayor and Aldermen would now require committee review or a layover of five days. The basic change to that is right now there is a committee process. There is layover only for bonds or ordinances providing for fees. Other than that, the Board can act on any matter immediately if it so desired. Public testimony is now required for all committees of the Board of Mayor and Aldermen and the School Committee. Right now, there's a period of public participation at the Board levels. The committees are not required to do that. That would be the major change there. In terms of City administration, the Mayor rather than the Board of Aldermen would nominate the City officers under these provisions. It would be subject to confirmation of a majority of the Aldermen elected. Presently, it's an election process by the Board of Aldermen with the confirmation by the full Board. It adds the City Solicitor as a City officer. The City Solicitor in previous Charters was listed as a City officer. It's basically reinstating that position as an officer. Department heads and officers are removed by a simple majority vote of the Board of Mayor and Aldermen which can be initiated only by the Mayor. Currently, it's a finding by a super majority of the Board of Mayor and Aldermen, so those are the two major changes in that category. In Financial Administration, the committee after listening to some different comments from the financial people of the City felt that it was necessary to mandate an internal auditor nominated by the Mayor and confirmed by a simple majority of the Board of Mayor and Aldermen. However, I should note that it would require two-thirds vote for removal which under this present provision would be a vote of eight Aldermen. It reduces the Finance Committee from all members of the Board of Mayor and Aldermen to five members. What it basically does is establishes or mandates that five members will be established in all committees of the Board which would mean an increase in special committees, but in the case of the Finance Committee, would reduce it to five members. It does not address the Chairmanship. The rules of the Board require the Mayor to be Chair of the Finance Committee. I would presume the Board would look at that rule and make their own determinations from there. In terms of ethics, the key revision was adding a Conflict of Interest section which is currently provided by ordinance. This prevents participation in decision making processes on any matter which the City official or member of his immediate family or her immediate family has a direct personal or financial interest. In addition, in the Standards of Conduct, they have added department heads and officers to the definition of City officials, and parents and siblings to the definition of immediate family. This would include annual financial disclosure, interest in contracts and purchases, appointments, and things of that nature. In terms of enforcement, the provisions have been changed. It requires that allegations of a violation be referred to the City solicitor. This is in terms of a violation obviously to the City Charter with a report directly to appropriate authority or authorities. It

also provides that a violation shall constitute a misdemeanor, and a person is to be fined \$500.00 or less, imprisoned up to 90 days, or both. If it was a charge in this instance against the City Solicitor, the Board of Mayor and Aldermen has the option to refer the matter to the Attorney General's office. That basically concludes the highlights of the provisions of the Charter. We do have copies available in the back of the room. We have placed it available on the City's web site which is www.ci.manchester.nh.us. We have copies available in the office of the City Clerk, and this basically concludes my presentation for the public hearing other than stating that the Commission immediately following this hearing will have a discussion of the legal review process in the Charter review. Their future meetings have tentatively been scheduled for May 7th and May 21st at this point, and their final report on this matter is expected to be released prior to or on June 18th. With that Madame Chairman, that concludes the presentation. We did at the Clerk's office do a rather thorough review of this document. There are some technical changes, and I would like to briefly go through them. In case any members of the public happen to pick up those technical corrections, we can at least advise that we've met some of that.

Chairman Dykstra asked is that something you'd want to do now or later.

Deputy Clerk Johnson responded I can do it now, or we can do it later as part of the meeting, but we do have a listing of those.

Chairman Dykstra stated okay, why don't we do it later. We have people here that probably want to give testimony, but you did a great job on the presentation. We thank you for your hard work, and I'm sure that helped a lot of the people sitting here to understand the changes in the Charter also, so I thank you again.

Chairman Dykstra addressed item six on the agenda:

Chairman Dykstra advises the anyone wishing to speak come forward to the nearest microphone, clearly state their name and address when recognized and give their comments.

Mayor Robert Baines, 60 Rosemont Avenue, Manchester, stated:
First of all, I would like to thank you for giving the citizens of Manchester the opportunity to speak about the revisions to this Charter that you're considering this evening. I wish to compliment the members of the Commission for taking on a very difficult and challenging assignment as I'm sure you realize now, but I regret that I have to come before you tonight to say that I cannot support many of the Charter changes that have been proposed. Therefore, I will be voting against this Charter if it is placed on the ballot this fall, and I'll be urging the citizens of Manchester to oppose it as well. Certainly there are some changes that have been

suggested that I agree with such as the proposal to clarify the confusion of the duties performed by the Finance Office, particularly the internal audit function. I commend the Charter Commission for proposing that. Also, I can support the Commissioner of Welfare to be an appointed position, and it's a change that I have supported for some time. There are a number of suggested changes that I am indifferent about. However, the number of proposed changes that cause me concern far outweigh those that I support or would be prepared to accept. I'll discuss those details in a few minutes. The primary source of my opposition to the proposed changes is not related to any single revision. My objection is to the process that produced the document that is under consideration. Unlike the Charter Commission on which I served, this Commission did not appear to attempt to find consensus. That's regrettable. While I agree that taking principled stands sometimes removes achieving consensus as an option, I feel strongly that changing our City's Constitution should require more than a one vote margin. If you recall, the last Charter Commission voted 8-1 to send that Charter to the voters. In addition, I believe that some of the innovations that the previous Charter Commission put in place and that the voters approved have not had an adequate opportunity to establish themselves as part of the fabric of our government. I am not sure it inspires confidence in the voters to make radical changes such as adding Aldermen-At-Large and then yanking them in a relatively short period of six years. It also does not make any sense to allow people to run for offices that you will be eliminating in the same year. That's just not fair, just not fair. When people run for office, they put their personal lives before the public. They devote countless hours to the task of running and serving. Too few people do that, plus the dollars that are spent. That's just not fair, so in fairness, that should be revised to have some kind of an implementation schedule that is fair. This Charter Commission should at least be about fairness and also encourage people to seek public office. That provision does not do so. It doesn't meet a standard of fairness. Many of the changes approved by the previous Commission and rescinded by this one were the products of considerable study and contemplation well before they were proposed. I do not believe that a comparable amount of thought or contemplation is behind the move to repeal them. Both the call for non-partisan elections and At-Large-Aldermen were first suggested I was told not by the previous Charter Commission but by the report on the task force on government organization that was one of the outcomes of the Manchester Agenda Retreat co-hosted some years ago by Mayors Wieczorek and Dupuis. I think it is fair to say a similar amount of study is not the foundation of the opposition to At-Large or non-partisan elections. Now, on to the specifics. As you already know, I believe that Aldermen-At-Large and School Board members bring a valuable citywide perspective to the issues that face this City. It is only natural and in many ways healthy that pride in one's neighborhood will influence one's view or determine one's perspective on these issues. Coupling these perspectives with the views of two individuals who represent the entire City achieves it seems to me

anyway an appropriate balance that protects both neighborhood identity and the larger needs of the City, and all you need to go through an analysis of the people who have served those positions and think about the contributions they have made. That change simply in my view does not make any sense. Critics of the At-Large position assert that the Aldermen and School Board members who occupy those seats are too far removed from the voice of the people because they do not engage in day-to-day constituent service. I find it curious then that some of these same critics are proposing cutting off a direct line between the people and their government. What is it you ask? The one that's provided by service on Boards of Commissions that advise certain City departments. The members of the Police Commission most recently provided me with some critical advice in the selection of the new Police Chief. To take that citizen participation part of government away is just not acceptable. If anything, we need to involve more citizens in government, and these Commissions function quite well. They advise the department heads. They represent common every day citizens of this community, and their service should be respected and appreciated in the long tradition and history of this great City. And while I'm talking about that, something I hadn't addressed before the Commission, but I'm finding great frustration with is the length of service and the term limits on Planning and Zoning Board members. I have come to learn that the wealth of experiences and knowledge that is gained by some times many years serving on Planning and Zoning is critical to the City. I am seeing now precious talent, precious expertise, precious historical perspective being taken away by term limits on Zoning and Planning, and I know there obviously maybe another Mayor may have a different experience with that, but you know, you elect people or select people, and I always tell members of the Zoning Board, you do the best job you can. You represent the views of the City. You're a citizen board and do your best. I think you should review that. I want to assert before going into detail on the issue of the Mayor's salary that I've previously said I personally do not want a raise as Mayor, and when I came before you earlier, I suggested that you put that issue out perhaps to 2008, 2010, and perhaps no one that presently serves in that office or might serve in that office would be impacted. Former Mayor Shaw's recommendation is commendable, and it's unfortunate that's been taken away, but to freeze any Mayor's or government official's salary by a Charter is wrong. That's not usually done by a Charter, but by freezing the Mayor's salary at the current level, this Commission is effectively in my view freezing out a number of men and women who have a desire to serve but cannot afford to do so. That's wrong. You shouldn't have to have a second job or own a business or personal wealth or perhaps be in a situation where you have an extra source of income to be able to serve the citizens of this great City. I think there's something good about having to serve as Mayor and earn your salary, but to freeze that salary for essentially ten years is going to be freezing out the talent pool. Recently one relatively young man who has been a viable candidate for Mayor announced that he could not run because of the salary. Some

mechanism of responsible raises should be in place, and I know it's controversial and it's difficult, but it needs to be fair. That provision is just not fair. It doesn't make any sense why you would put a provision that freezes a salary in a Charter. To fix this salary for the next ten years will hamper the City's ability to attract a diversity of talent to public service. This Charter proposal's poison pill, however, in my perspective is the provision that addresses the fallback budget and would make the previous year's budget the default budget in the event a new budget could not be approved. In a world wracked by uncertainty and one in which the bill to pay for increased security as an example is left to local governments, it would be irresponsible to predict that any one year would be just like another. We all know that the world changed in mere minutes on September 11 in 2001. I bring that not to scare people but to make the following point. Would the budget in place in New York City for that year have been adequate to pay for increased security and clean-up costs for the next year? Hardly. In Manchester, we are fortunate that we have had not the necessity to confront costs of such a staggering disaster, but some day, we may not be so lucky. One of the immutable lessons of September 11, however, is that you can never say never. The City fathers and mothers must have the flexibility to address the rapidity of change the modern world imposes. That proposal would make a previous budget the default budget would place the City in a straight jacket at a time when flexibility must be the order of the day. Whether proposed changes might be regarded as misguided or uninformed, this revision is truly dangerous, not just because it would impact the day-to-day operation of government but also because it would imperil in some case the lives, the education of the citizens of this City. And finally the provision that establishes the swearing in of the Mayor two weeks after election is irresponsible in my view. Having been elected Mayor, I used that period of time, during that time period, to form a transition team, to analyze all aspects of government. I had to transition from one job to another. Most people I think would hope might have to leave a job to become Mayor, again going back to the personal wealth or private business. Some people are going to come out of the private sector or come out of education like I did, and the transition period is very, very beneficial. We do it at the national level, don't we? For good reason. We do it at the State level to give the new Chief Executive a time to assemble a leadership team, to analyze all aspects of government, to develop a budget, and to come into office prepared to do that in two weeks is not responsible in my view. The two year budget. We should have a two year budget. The only reason I have not proposed a two year budget, and we started down that line last year, is that you should be able to have the carryover from year to year. That's when a two year budget makes sense, such as at the State level, so a department head could plan and manage budgets over a two year period. Again I could go on and on and I perhaps have gone on longer than I should, but I think it's important for the incumbent Mayor to state the facts as I see them. I've tried to do that in a respectful and honorable way because I know you've all worked very hard. You've put a lot of

time away from your families and friends to serve our community. I thank you for your public service, but again you have presented no compelling reason to change a Charter which is serving our City well. That's regrettable, but I thank you for the opportunity to speak.

Scott Green, 47 Byledge Road, Manchester, stated:

I am currently the Ward 1 Clerk. I'm a former member of the New Hampshire House, and I make my living as a freelance writer. I have a general statement and then I'll get very specific. I'm astonished that this Commission and all its members who are not shy about speaking in public before did not think to ask a Legislator, a State Representative or a State Senator, to introduce a bill so that when the Charter revision is brought before the voters, they don't have to vote all up or all down because under the current State Statute, any Charter revision brought forth from a Charter Revision Commission is held hostage to a multitude of special interest groups, and I just thought it would make a lot more sense if the Charter Revision Commission informally or formally requested that a State Legislator bring forth a bill to address this issue. As for the recommendations, there are several that I strongly support. I like the idea that you eliminate the At-Large seats for our Board of Aldermen and School Boards because frankly elections are getting too expensive, too unwieldy for the person of average means to run for public office. Keeping four citywide At-Large seats means that whoever runs for those seats out of necessity would have to be someone who would either have deep pockets or be allied to members of the community who have deep pockets. It just makes it more difficult. If you want to increase the size of the Board of Aldermen or the size of the School Board, you could have created additional seats per ward or you could have gone back to where they used to have in Manchester when I was a State Rep At-Large seats for every three wards, but I think you did the right thing in abolishing the citywide At-Large seats. I felt you should have gone back to partisan elections for the same reason because under partisan elections, the person of modest means who becomes the nominee of his or her party can then rely upon that, well theoretically could rely upon that party to raise money and help raise support for their candidacy. Again, by keeping the elections non-partisan, you sort of skew it towards those who either have deep pockets or have access to deep pockets. As for the commissions and the democratic process, I felt the Commission made a serious error in not at least addressing the idea that some of the Boards and Commissions of this City ought to be elected, such as the Planning Board, such as the Zoning Board of Appeals, such as the Library Trustees. I would not support the idea of extending, electing Boards of agencies that are clearly municipal enterprises like the Water Works, like the Airport Authority, and the Manchester Transit Authority. Lastly, I promised I'd be brief, lastly just let me say that the idea of having primary elections for even candidates who are unopposed in the municipal ballots, well, all I can say is you know, we election officials don't have enough to do on election night, so we're

just very appreciative of the opportunity to do even more. If I sound a little bit sarcastic about it, I must apologize because I am not a great enthusiast for that idea, and I thank the Commission for its time.

Chairman Dykstra stated Mr. Green, I'm going to make a little bit of a change here. We're hearing testimony. I remember at the last hearing, if the rest of the Commissioners can jog my memory, we did allow them to ask us questions, and we did ask questions and I think that makes for a better hearing. It really gets the flow going, and we really get more information out of it, so at this time, if someone wants to ask a question, needs to ask a question, you certainly can do that. I know Mayor Baines was up here. Someone did want to ask a question. If he's willing, after you step down, to come back, that's certainly quite all right. I think that will work out better to get exactly how people really feel.

Mr. Green stated I'll be glad to answer any questions.

Commissioner Duffy stated Madame Chair, it seems that changing the rules midstream isn't consistent with what we've done in the past, so I suggest that we ought to get the testimony from the people that are here to be heard so that they can give their testimony. Anyone that we wish to call back to have clarification on their testimony, all well and good, but to make a change at this time is inconsistent and unfair.

Chairman Dykstra responded I just want to mention that I disagree with you respectfully. I am trying to do things fairly, Commissioner. At our last public hearing, you can check with any Commissioner here, we did allow that. We have just started this, and so I don't think it's midstream. It's like at the beginning. I really like public input, and I like the people to have a right to speak. If you don't choose to ask any questions, that certainly is your prerogative. I will set the procedures for this hearing. I have set them. You can ask you question.

Commissioner Pepino stated Mr. Green, you started off by saying if we needed legislation here, we should have had a Legislator put it in for us. Well, I am a Legislator as you know, and as far as I'm concerned, these nine people here, we didn't ask for any legislation. We didn't need any legislation. We didn't want any legislation, and legislation was forced upon us. That's where I'm coming from, cause we didn't want nothing, we didn't need nothing, and we still don't need anything, cause we know where we're going.

Chairman Dykstra stated you can certainly disagree. I'm going to decide it's not going to be a running debate. It's a question and answer back, and that's quite all right. We're just not going to prolong it. You do certainly have a right to respond.

Mr. Green stated I understand. I disagree with Commissioner Pepino.

Chairman Dykstra asked are you all set.

Mr. Green responded I'm all set.

Chairman Dykstra stated okay, we thank you very much, and if Mayor Baines wishes to come up, that's fine. Certainly, if you'd like to come up, we'd appreciate it.

Welfare Commissioner Paul Martineau [from the audience] stated that he [Mayor Baines] should have an opportunity to rebut.

Chairman Dykstra stated I just asked him [the Mayor]. He [Mr. Green] said he was finished. Certainly, thank you very much, Commissioner of Welfare.

Mayor Baines stated I can assure you that I will rebut.

Chairman Dykstra stated well, certainly. I know you appreciate that. I'm trying to be fair with everyone, and as I mentioned before, we have done this before, and I don't think just listening to someone and not discussing is a very healthy way to run any hearing, and this is my decision, and I hope you all appreciate I'm allowing you to speak more than two minutes.

Commissioner Shaw stated there were 30,000 votes for the current Charter, sir. You might be aware of that, but did you know that the citizens of Manchester voted five for the Charter and four against if you divide the 30,000 by nine. Almost to the t, they voted five to four, so would you say sir that if the citizens themselves in making the decision about the Charter were five to four, would you deny the Charter Commission that same opportunity?

Mayor Baines stated first of all, no one is denying you anything. I've stated an opinion which I stand by very strongly that this Commission did not in my view make an effort to come to consensus as we did last time. We made that as a rule as you recall at the beginning of the process, and I think you supported that rule. In fact, I think you were an advocate for that rule. I appreciate your input, no, but I feel very strongly, and I stand by my statement.

Commissioner Shaw stated on this, the wages which you and I both know has been a hot topic that started probably long before 1983, but are you aware that about three times, the Aldermen have tried to raise the Mayor's salary and only once succeeded, for \$15,000.00 in about a 25 year period.

Mayor Baines responded actually I've been in Manchester long enough to remember when the salary of the Mayor was, I believe when John Mongan became Mayor it was \$6000.00.

Commissioner Shaw interjected it went to \$25,000.00.

Mayor Baines stated it's been raised a number of times through the years, not very much though.

Commissioner Shaw stated but on this particular point of the wages, Mayor, you are aware that there's not a ten year waiting period to raise them.

Mayor Baines stated I understand it. It's just my fundamental disagreement that you should have something in the Charter that prevents it. Why didn't you go back and advocate for your position which was honorable and credible, and it just doesn't make any sense to freeze it.

Commissioner Shaw stated but sir, aren't you aware that the Aldermen can put on the ballot...

Mayor Baines stated of course I am.

Commissioner Shaw stated that instead of the Aldermen ever raising, I mean they could do this next year, instead of the Aldermen ever raising the Mayor's salary or their own that the citizens of Manchester now would have the right under the Charter to do that. That was the proposal.

Mayor Baines stated again, I appreciate your clarification. I do understand you know what I said, and I understand the history here. All I'm saying is that I don't think it's an appropriate thing to do within a Charter. You wouldn't do it in your Constitution, you know. Why would you establish something? The only reason as you recall that we established a base pay the last time around was for the very reasons that you talked about, because there's no political will in this City to deal with that issue in a fair manner, and it is about fairness. The citizens of Manchester, I believe, would respect a fair process to insure that the chief executive's salary is progressing at a moderate rate, and it doesn't. As you recall, Mayor Dupuis I think one of the really standard bearers in the City for being Mayor left halfway through his term. People said to him you know, "It's an honor to serve as Mayor," and he said, "You can't feed your family on honor." A lot of people have come along to serve as Mayor that haven't had to depend on their salary. That's a wonderful thing, I think, but people should be able to come to the office of Mayor that need a salary to support their family, to support their spouse, and it should be a competitive salary. We're paying decent salaries to our

department heads in the City, yet we pay the Mayor one of the lowest salaries, and the Mayor's staff some of the lowest salaries that exist in the City government, and that's just not fair. And again, I don't want a raise, so this is not about me.

Chairman Dykstra stated we appreciate it. Okay, I certainly want to thank you for coming back, Your Honor.

Commissioner Hirschmann asked am I allowed a question.

Mayor Baines stated anybody else want to ask me any questions.

Chairman Dykstra stated is there anybody else. Sure, if you'd want to, just...

Commissioner Hirschmann stated I do.

Commissioner Duffy stated Madame Chair, I think what we just witnessed demonstrates my point. The Mayor made his statement, very articulate. He expressed his views and quite honestly we ought to be able to move on and get other opinions instead of having the kind of dialog we just witnessed.

Chairman Dykstra stated what I wanted to say is that I asked the Mayor out of courtesy if he wanted to come up, and he agreed.

Commissioner Hirschmann stated Madame Chair...

Chairman Dykstra stated oh, I'm sorry. You're way over there. Go ahead, Commissioner Hirschmann.

Commissioner Hirschmann stated thank you. I do have a question for the Mayor. Your Honor, the finger of disagreement, I guess, could be pointed at me when it comes to the fallback budget.

Mayor Baines stated I didn't know that.

Commissioner Hirschmann stated I'm letting you know that I was able to persuade my colleagues to go with my train of thought because it benefited the taxpayers of Manchester. In my years as Alderman, in every budget that was ever put forward in the City's history has had a line item called...I lost my train of thought, but anyway, the money that is not encumbered by departments goes to the next year.

Mayor Baines interjected the fund balance.

Commissioner Hirschmann stated fund balance. Thank you, Your Honor, so it was my intention to provide the City a two year biennial budget and also have that money benefit of the taxpayers to roll into the next budget. You do have that money still rolling over, not being encumbered and spent by departments and thus, you wouldn't have to increase taxes. If you don't have that money unspent, then you're going to have to ask for more tax dollars, so it was my intention, and I persuaded my colleagues to make sure that the taxpayers were looked out for, and you could bring in a two year budget and they would know exactly how much money would be expended and how much money would be carried over.

Mayor Baines stated I appreciate that effort, and I think it is well intentioned. My concern about when we started to look at the two year budget which the City advocated for a lot to allow a two year budget did not have a provision in the law as is available at the State level to have carryovers. I'll give you an example. If we gave any department, let's say Frank Thomas, a budget and said, "This is your budget for two years." That department would have the flexibility of responding to situations or pulling back money at different times and managing it over a two year period, and then we would know the exact cost to government for a two year period which is beneficial. Secondly on the fallback budget which is a little bit different than the two year budget, the reason that I don't agree with it I've stated very clearly, but it's incumbent upon a chief executive whether it's a Mayor or the chief executive of any institution to present a responsible budget. As you know, up until the new Charter, the Mayor did not have to present a responsible budget. I'm not saying all of them didn't do that, but you didn't have to do it because there was no provision that that budget could become the law of the City, and I think it forces the chief executive to bring in a realistic budget and provides a long enough period for adjustments to be made. Granted that very seldom, I've never seen it, and I haven't seen it as Mayor, and I'm sure you didn't see it while you served, that the Mayor's budget was actually adopted. It just doesn't make sense to have a fallback provision the way...again, the thing that I'm annoyed by. It goes back to what Mr. Pepino, my good friend Leo Pepino said, is that you didn't ask for legislation in Concord for that, but it's up there. The present law was developed by a consensus of a lot of input from all the cities and towns across New Hampshire with the involvement of the New Hampshire Municipal Association, and all of a sudden there's a law up there to make the fallback budget the law, two bills as Mr. Pepino told me earlier. It's the wrong approach. We often hear say, "Run government like a business." Well, we're in a business here. The chief executive presents a responsible budget. Is it a perfect budget? Absolutely not. That's why you have that review process with the Aldermen afterwards, but to go back to last year's budget, think of if that ever did happen. If you had a situation like you have here on the Charter Commission, you have one faction over here, one faction over here. You have a divided government. You have a stalemated government, and then you go to a fallback budget. Do you realize how many

teachers would lose their jobs and go away? What chaos you could create? What chaos just in the School District alone could be created on a fallback budget? I just don't think it's responsible. We can have difference of opinions, and your efforts were certainly well intentioned, but in just my view of having been in this position now for almost four years, it's just not the responsible way to run a government. It's not a businesslike approach.

Dr. Henry Aliberti, 345 Edward J. Roy Drive, Manchester, stated:
I'm a recent resident to the City. I'm here this evening to speak to you as a resident and also as my role as Assistant Superintendent for Elementary Schools for the City of Manchester. One of the things that struck me in moving to Manchester was certainly the diversity that I witnessed in the City and all the cultural offerings that were here. Manchester truly is a queen of the city, and as I noticed the crown on City Hall as I drive by, it's well represented. One of the things as my role as Assistant Superintendent that I've had the privilege to oversee are the 15 programs that exist in the City of Manchester at the elementary level, 14 schools and the Manchester Development Pre-School. As part of that process, I also have the opportunity to deal with the English speakers of other languages. This is a program that has over 1700 ESOL students associated with it. We have over 70 countries and over a hundred languages represented by this particular program. The purpose behind my remarks is simply that I appreciate the diversity and culture that is here in Manchester. I'm very concerned about the Charter Commission's recommendation to reduce the At-Large positions on the School Board. Those positions bring a citywide opportunity for culture and overall representation to take place at that Board level, and it's extremely important to the children and parents and the faculty that work in the elementary schools of Manchester, so I would, if I had the opportunity to give you my recommendation, I would maintain those two At-Large positions because of their role and oversight for the School District. Thank you.

Dr. Frank Bass, 103 Hubbard Street, Manchester, stated:
Alderman Pepino, nice to see you again. As my colleague Dr. Aliberti stated, we do represent the Manchester School District. I'm the Assistant Superintendent for Secondary Education, and as my noted colleague commented, the At-Large positions both at the School Board and at the Aldermanic level are extraordinarily important. It is by very virtue of the diversity of this City and the many things that we try to do to move the City forward that make it incumbent upon us to maintain the At-Large positions. Case in point. You have two At-Large positions for School Board which allow them the opportunity to create a variety of committees because now we have two extra bodies to serve on those committees or to chair various committees. Secondly, you have the opportunity for individuals within the City of Manchester to reach out on a global level to those At-Large positions representing the entire City and not necessarily a small constituency or a

neighborhood constituency. I think the same philosophy and ideal holds true with the Aldermen, and I must also point out even though we're looking at positions not people, I should point out that John Kacavas and Kathleen Kelley-Broder have done a magnificent job at the School Board level. I'm sure you've seen their names in the papers on many occasions for a variety of things that they have brought to the City of Manchester and to the Manchester public schools, and the same holds true for the Aldermen-At-Large Dan O'Neil and Mike Lopez. We are very much indebted to the service they bring to the City of Manchester, so as a resident and as a member of the Manchester school system, I encourage you to please reconsider on the At-Large positions. The other issue I wish to bring to your attention is the issue of the biennium budget. School system is a very unique operation. We are hamstrung to a certain degree by federal legislation, State legislation, and a variety of changes that continually beset the schools. To force us into a biennium budget would be very, very drastic to say the least. So I would encourage you to keep it on a one year annual budget if you could. Lastly, I do wish to echo some of the comments of Mayor Baines, and that is in regards to the salaries. You know, the last time I looked, a representative democracy, you want to get the best and the brightest people you can to serve your government, to serve your City. To offer the salaries that we're offering for our School Board, for our Aldermen, and our Mayor, I don't think make that call. I really don't, and I would encourage you to reconsider that, and please look at some of the neighboring cities in terms of what they offer for salaries for their elected officials who again, as Mayor Baines pointed out, it is a great deal of pride and civic devotion that people run for these offices, and we certainly want to make it as inviting as possible. Thank you.

Commissioner Shaw stated I wonder if you understand at all that we don't say there should be a two year budget. We're only authorizing the Aldermen to consider their wisdom to have a two year budget. If we didn't put that provision in there, you're aware aren't you that it could not happen.

Dr. Bass responded yes.

Commissioner Shaw asked are you against them having at least the right to discuss it.

Dr. Bass stated I leave that up to your discretion. I'm only speaking from the point of view of the School system in terms of what a biennium budget would do for us. If you in your wisdom feel it's necessary to leave that discretion with the Mayor and Board of Aldermen, then so be it. I'm just speaking on behalf of the School system in saying that I really feel because of the peculiarities of how schools are run that the budget should be an annual budget. Anything you can do to safeguard that for us, I would greatly appreciate it.

Commissioner Hirschmann stated Doctors, the money for the schools, you wish you had more money obviously for schools, for elementary education. You're a Doctor for elementary education.

Dr. Bass stated you're asking a specific question about...yes. I thought you were trying to trap us into saying that every year we come before you, we want to have more money.

Commissioner Hirschmann stated I'm asking if you would prefer...you obviously want more money for education.

Dr. Aliberti stated what I would say that we want is the resources that we would need to operate a program that the City of Manchester could be proud of and that would educate our students.

Commissioner Hirschmann stated and your goal and your vision is the same as mine, and that's why I would prefer to pay for reams of paper instead of politicians' salaries, and that's why I would endorse eliminating two At-Large positions and giving the children in schools pencils, paper, teachers' salaries, pertinent things to education, cause it comes out of your budget.

Commissioner Pepino stated you must be very pleased when we adopted that April first budget because last week, the week before, the Aldermen sat here for an hour arguing about pink slips and letting teachers go because the budget started July first. We moved it back to April first. I believe that's what the NEA wanted, and one of our commissioners here pushed hard for that. That takes you off that hook, I believe. That's a good one.

Dr. Bass stated yes Commissioner, that's a wonderful suggestion. Certainly, it makes it very advantageous for us in terms of hiring because many times we're hamstrung. We are not allowed to put out our advertisements for teachers until well into June because we don't know what the budget is going to be until that time. So this has been certainly a blessing for us in having the budget, 99 percent ratified at this point in time.

Commissioner Shaw stated a question for Dr. Bass again. I wonder if he's aware and would be in favor of the fact that this Commission has increased the School Department budget, if the Charter was to pass then you've got the same funding as this year, in excess of \$100,000.00. If this Charter passed, sir, you would get an opportunity to hire the best and brightest teachers because it would be from what I understand in April that you would have your information. Are you aware of those two things?

Dr. Bass stated I wasn't aware of the fact that you would increase our budget by \$100,000.00.

Commissioner Shaw interjected easily.

Dr. Bass stated I was aware of the fact that the budget process would be done by April, but Commissioner, in all fairness, it is not one iota of the Charter here that you know, we're trying to argue with. We're just picking out a few things that we feel are disadvantageous to the school systems, and as residents of the City, we're just speaking our position on it.

Commissioner Shaw asked but if we took two away from you and gave you \$100,000.00, you'd be against the Charter.

Dr. Aliberti stated just one last comment. As a citizen concerning these two issues with salaries, I did not speak to salaries initially, but I just want to make this one comment. It is important for me to have that representation. That was the point of my earlier comments. It's important to have those diverse opinions come forth on that School Board and represent the At-Large people that are out there in the City. That's worth their salary and more.

Chairman Dykstra stated I want to thank you both. We do appreciate your being here. Thank you.

Commissioner Hirschmann stated the Chairman of the School Board is the diverse opinion, and he's the Mayor of the City, and he serves, and he's elected in every ward, so I think they're already getting that.

Robin Comstock, President and CEO of the Greater Manchester Chamber of Commerce, stated:

Good evening, Madame Chairman. Thank you for the opportunity to present to you and your Commissioners this evening, and thank you for your public service efforts on this tremendous process and project. My name is Robin Comstock, and I am here today on behalf of the Greater Manchester Chamber of Commerce as its President and CEO to speak in opposition to your proposed City's Charter. As I testified on behalf of the Chamber of Commerce at the beginning of this process and during this process and now at the end of the process, the current Charter of the City of Manchester is a good Charter. The current Charter is the end product of a very long and deliberative process that involved building consensus from the community and the prior Charter Commission. The draft Charter that you have presented was not built on consensus, and we do not believe it serves the best interests of the community. The Chamber of Commerce has advocated from day

one that At-Large representation on the Aldermanic and School Boards is essential to meeting Manchester's future needs as the State's largest City. The Chamber believes dividing any community is counterproductive and undermines the City's ability to develop and accomplish long range comprehensive planning and development. Therefore, the Chamber favors At-Large seats over ward seats. In fact, the Chamber believes in approaching Manchester as a united City, and we have a high level of interest in increasing the number of At-Large seats by redistributing the wards to reduce the number of ward seats but still insure that neighborhood interests are represented at the Aldermanic level. We believe the elimination of At-Large Aldermanic and School Board seats is a step in the wrong direction. The Chamber also advocates for non-partisan elections in the City of Manchester. By requiring candidates to be identified by party on ballot, you are creating a partisan ballot. This would make Manchester the only community in the State of New Hampshire with partisan election process. The leaders of our great City should be elected by merit and not by party partisanship. The citizens of Manchester deserve leaders that will act in the best interests of the City and not the best interests of one political party or one particular philosophy. The hybrid system you have crafted is curious in that you have kept the form of non-partisan elections in which all can vote, and Independents have equal rights while injecting partisanship into the equation for no apparent reason. The political parties in Manchester have the right to participate in the election process and have done so with great vigor as we all know, so your action is somewhat unnecessary and potentially damaging. The non-partisan process keeps us issue versus party focused, and in local government, it is superior to partisan elections. The default budget process you have incorporated is somewhat flawed. The Chamber has great concern that there is no safety net to insure economic continuity for the City if the default budget is the previous year's budget. Without provisions for things like insurance, premium increases, cost of living increases, and one time capital expenditures, the City could be trapped by a budget that does not work from year to year. State law does not make provisions for cities to use a previous year's budget as its default budget the way that it does for towns. These towns are what are known as Senate Bill 2 towns, and they are covered by legislation that takes into account such measures and provides guidelines to insure the smooth transition from year to year with certain increases from prior year budgets allowed. Even when a budget is not adopted, your solution does not accomplish what you had hoped, and it's inferior to our present system. While there are pieces of the proposed Charter that the Chamber does like, they are outweighed by choices which take Manchester backwards. We believe that this Commission set out on an honorable mission to reform and adjust problems that living with the present Charter identified. Unfortunately, this Commission seems to have lost its way and thus lost sight of doing what was right for the future of Manchester. With all due respect, there are just not enough good changes to outweigh all of the bad changes. By eliminating At-Large seats, returning to partisan politicking, and putting in

place physically questionable default budget, you have drafted a document we must oppose and urge the citizens of Manchester to defeat. You have the opportunity to correct these very issues before the Charter is submitted to the voters, and we urge you to make those corrections. We also believe that the Charter should be considered by voters at the time of the general election and become effective at the beginning of the following fiscal year. This is a governing document which deserves thoughtful consideration and action by the greatest number of voters and the most possible debate and then needs to be implemented deliberatively if passed. In closing, the Chamber was highly involved in the last Charter review and subsequent reform. That review started with the Manchester Agenda meeting of City leaders which led to the government review task force and which then recommended complete Charter review. Those reforms were born organically as a result of community collaborations and consensus building. Those reforms were born and grown to address the interests in establishing a more sophisticated and global system on behalf of the community as a whole, a complete unit. These current changes were not, and they potentially undermine our ability to be all that we are capable of being. We hope that this Charter is soundly defeated. Thank you.

Commissioner Shaw stated this is rhetorical but you can answer it. Would you deny to the citizens of Manchester the same rights that you have in your town, the fallback position, that your town can have but we can't have? Is that your point that 230 towns in this State that have a fallback position that is different than what Manchester has currently, so all these citizens have certain right denied to the 100,000 people that live in this community, and you advocate that. Is that your position?

Ms. Comstock stated I think my position is focused on the aspect that many towns are very small, and their issues are unique to them, and their needs and interests are unique to them. When you refer to a large metropolitan community, an urban center like the City of Manchester with 100,000 people, issues do become very different. When you're looking at potential capital expenses, surprise expenditures, possible water mains breaking, emergency actions, whatever that intervention may be or those particular issues of that time, they could in fact be quite unique to a large urban metropolitan community, and so ordinance and legislation around a large community perhaps is very appropriate to be unique to the needs of that larger urban center.

Commissioner Hirschmann stated at one of the last public hearings, you had a proxy sit in for you and give testimony. He said his name was Chris King, and he was the government affairs liaison for the Chamber. Now, I listened to his testimony, and his testimony seemed in direct opposition to the reason that many of us were endorsed on this panel by one of your prominent Chamber members,

one editor that's famous put our names in the paper saying, "Elect these people because they're going to possibly get rid of At-Large Aldermen. They're going to help responsible government. They're going to do all the right things." So I tried to find Chris King. I called the Chamber.

Ms. Comstock asked today.

Commissioner Hirschmann stated no. Right after the testimony about three months ago, and I was told that Chris King doesn't live in Manchester. He lives in Boston, and I was saying, "Boston? Why is a fellow from Boston telling us how to run Manchester?" I'm glad that you're giving testimony tonight, and I'm letting you know that a great many of us were endorsed to sit here and won our elections because we have a philosophy to make Manchester better and do a certain thing, but it seems in conflict, and I'm going to ask. Did you take a vote of your membership to see if they're in favor of the philosophy that you're bantering?

Ms. Comstock stated we have discussed this. We have used our process and our systems and mechanisms that we use for every position for our opinion around Charter.

Commissioner Hirschmann asked so you took a vote.

Ms. Comstock stated among those that are involved in our process.

Commissioner Hirschmann stated so it doesn't include all your membership.

Ms. Comstock stated for no position does it.

Commissioner Hirschmann stated that's my only question. Thank you.

Commissioner Duffy stated Madame Chair if I may. I think the President of the Chamber has spoken very articulately as far as the position of the Chamber. I think the attempts on the part of members of this Commission to personalize certain elements of her testimony is again inappropriate. Thank you.

Chairman Dykstra stated thank you, Commissioner. Next speaker.

Commissioner Hirschmann stated just fact, your Honor. Just fact.

Thomas Bowen, 299 Ash Street, Manchester, stated:

I am the Director of the Manchester Water Works. The comments that I'm going to present this evening are my own comments and not necessarily those of the members of the Board of Water Commissioners or of the Commission, and I guess

I would like to start my remarks, and I assume that I would be trailing Joan Porter in her remarks later on, but I would like to say that personally the comments that Joan will make later on on behalf of the department heads of the City, I agree with fully. The main point that I guess I would like to make this evening is with regard to Section 10.03(c) of the Charter with regard to the transfer of power. I think it's really an inappropriate action to totally eliminate all members of the Board of Water Commissioners all at one time. There is a mechanism in place for members of the Board to rotate on and off the Commission. I do understand that there is language in here which will change the structure of the Water Commission by adding an Alderman, and there is an opportunity with that change to make that addition without decimating the Commission. Manchester Water Works is the largest water utility in the State of New Hampshire. We serve 140,000 people in six communities in southern New Hampshire. While our Board may not be specifically a Board of Directors, they are the Board that sets policy for the department and for the level of consistency moving forward, I think it's inappropriate to eliminate the entire Board all at one time. What I would suggest, and I have written testimony which I will present to you, but I think there is adequate language in the existing Charter with some minor modifications which would allow for the change to occur. Finally, while I'm not a lawyer and I don't pretend to be nor do I wish to be, I think there are some inconsistencies between the language in the Charter as it relates the Manchester Water Works and to our Board and so forth with our enabling legislation which goes back to 1871, and I think that really needs to be looked at, even to the point that eliminating or removing all the Board members at one time may in itself be inconsistent with the enabling legislation, so I would certainly hope that this Commission would have those items looked at in light of our enabling legislation and make the necessary adjustments before the document is finalized.

Chairman Dykstra stated Mr. Bowen, I don't know if you know but this has gone to the DRA. It's gone to the Secretary of State and to the Attorney General, so we're waiting. If there's anything that's not legal or anything conflicts with any existing laws, we certainly will make that correction. We do appreciate that.

Commission Shaw asked under Section 10.03(b), is it your understanding that all of the people on the Commission would disappear. My reading that is that they serve until reappointed which means that their terms don't expire.

Director Bowen stated my reading of 10.03(c) is that all the Commissioners with the exception of the Mayor ex officio and the Alderman ex officio would be removed from the Board immediately upon January 6, 2004.

Commissioner Shaw stated that should be corrected. From my perspective, that's in error.

Chairman Dykstra stated that will be addressed, and we do appreciate your input.

Mike Lopez, 191 Woodbury Street, Manchester, stated:

First let me say that under the preamble, to govern ourselves in the most efficient, effective and beneficial manner, to promote the general welfare, stimulate harmony among its citizens, achieve compassion, freedom, and justice. I do not believe that this Charter presenting the citizens at this time does that. I do agree, I'll tell you, I do agree with a couple of things on the Charter. Changing the City budget so that the School Board can have their budget in plenty of time I think is wonderful just like we did recently so that they don't have to lay off good teachers for the City of Manchester. Providing the Mayor and the Aldermen serve as members of the Board of Airport and Water Commission, I think that's commendable whoever thought of that, and providing the internal auditor. All others I disagree with. Talk about going back, going back in time, the City is moving in a direction that's benefiting this City tremendously. I can tell you that this Board is probably making the most critical decisions moving forward for a decade to come, and we just did that with the design and build for the schools with much input. Now, some times I say it would be nice to go back in time. I think we all would like to go back in time, back in the fifties, back in the sixties, seventies, and back to the time when everybody came down at Elm Street and did everything. That's not going to happen. Just not going to happen. It costs things. It costs more today than it did then, and I think we all realize that. For the people hearing me tonight, I'd like to set the record straight. Those on the last Charter Commission, eight of us signed the last Charter Commission, the document. Everything was the work of the Commission. Only one man didn't sign the last. Remember when you put your name on this document, you agree to everything in this document. It's not that you choose. You're presenting a document that you as a Commission has agreed to, and I say that that is why Bob Shaw didn't sign the last document. He agreed with some things, but he did not agree with the document. I'll point that out. The Alderman-At-Large position, I have never seen one conversation about the Alderman-At-Large in the past four years I've served. I was surprised to see so many reconsideration votes, keep on talking, and the time and effort for this Commission trying to get rid of the positions, and I think there were some who were trying to get rid of the people. You didn't even consider anything else. You didn't talk about how can you make the At-Large positions better for the City. I think there's conversation that ten votes, you have 12 Aldermen, you got eight votes, two-thirds. Argument there's not two-thirds if you have 14. Why don't you add another one then? Have it 15, then it becomes two-thirds. Make the Aldermen a district that has been suggested by this Commission, not by this Commission, by people who appeared before the Commission. Now I think there was so much time and effort spent on the ideals of getting rid of something, somebody's personal agenda somewhere along the line that you lost

the focus of what people have said here tonight. You know, also thanks to my wife, she does this for me, I never did it. She kept a record of every call that I received, and I've heard people on this Commission say the Aldermen-At-Large don't do anything. If you want, I can produce the document. Since September, 2001, I've had approximately over 2400 calls in this City on various issues. I've set in many a times for a couple of the Aldermen who went on vacation and what have you. I've listened to many a complaints from citizens that they didn't want to talk to their ward Alderman or whatever the case may be, and I've even had people tell me the Alderman won't do anything for me for the simple reason he didn't vote for me. So I think the Alderman-At-Large has served its purpose, and whether they vote for you or not, I think I've served as an Alderman-At-Large as others have for the entire purpose of being an elected official. I'm just trying to scratch off some things and save some time here because everything was said. As an Alderman-At-Large, it has been said I don't concentrate on ward issues that much. I'll be honest with you. I do help a lot of people in ward issues. I don't concentrate. I wasn't elected as a ward person to concentrate on 4000 or 5000 people in one sector of the City. But having 12 Aldermen-At-Large, you have 12 cities in one, and every Board member has the right to defend and fight for his ward. It's a matter of the priorities that we establish that we have to convince the other Aldermen, and sometimes being that extra hand as you have two can find out more information about different things and bring it back and try to convince the ward Alderman or help the others understand a predicament. One of the major issues recently was working out with some of the Aldermen about Memorial High School which I felt and others felt it was very, very important, and we're still working on it, but I think it's going to be resolved. Alderman-At-Large, I think it's another set of eyes to look at the whole picture, and I'm not saying the ward Alderman doesn't look at the whole picture, but I can tell you. I know ward Aldermen that are very, very busy in taking care of the people in their ward on issues and meeting with the Highway Department and taking just issues on their ward, and that's what they were elected to do. There's nothing wrong with that. I look at it a different set of eyes as to what's going on in the entire City. There are some other things. As I mentioned when I referred to you that what I do agree with, I disagree with all the others that's been recommended. You know, you have an opportunity, and I've set in that chair, and it's a very tough position to be in, but take the self-interest out. Take it out. We're not all going to be here forever. I surely am not going to be here forever, and I could walk away from this job any time I want. I got an income coming in. I do it because I love to serve the people of Manchester and get something good out of the feeling of helping somebody. You're not going to succeed in getting this Charter approved in my opinion. The people will see through this self interest and will vote to defeat this Charter one by one. If this Charter goes as presented, I will personally ask people not to vote and then give reasons why. It will take us back in time. It's not in the best interests of the City. This is not an efficient Charter. It does not create

welfare and harmony among the citizens of Manchester. I thank you for your time.

Chairman Dykstra stated Commissioner Lopez, I just wanted to address one thing as I did serve on the Charter with you. You did mention the 8-1 vote, and just to remind some people and of course I don't think you don't do anything. I certainly have never said that. I just felt that 14 Aldermen were not needed because we worked very well with 12, and if you remember, that was my argument, and I'm not going to go into the whole scenario when I was on the Charter Commission years back, but I voted against non-partisan elections. I voted against the 14 Aldermen, the 14 School Board members, but I put that above me, and I didn't say like I hear a lot of people saying here today, "Well, I'm going to oppose it. I don't like it. It's no good." What I did is I signed that document, and you know why I signed it, cause I wanted the people to decide, and I just wanted to clarify that, that I did not agree with a major portion of that, but I voted to send it to the people. Are there further questions of Alderman Lopez.

Alderman Lopez stated can I respond to you please.

Chairman Dykstra stated yes, certainly, you may.

Alderman Lopez stated thank you very much. I think that if you look at any, and the City Solicitor is back there, if your name goes on any document, you own that document, so therefore you did vote for all the changes in the last document. Now, I've heard you say that so many times, and it's wrong because you voted for the entire position of the City Charter. Therefore, you are one in favor of the entire recommendation.

Chairman Dykstra stated well, I tend to disagree. I'm telling you my reasoning for doing it, and that's why I let it go.

Commissioner Pepino stated you sat there explaining the duties of an Alderman. We're all former Aldermen. We all can see different things. Where you're getting the personal part and the self serving part, I don't know. I don't know. I made a mistake one night and mentioned one person's name by mistake, but other than that, there has been nothing personal in here. Nothing against anybody. My one last comment is this Charter right here, it's the people's Charter. You're going to hear no people coming tonight and testifying against this. All you're going to hear is the politicians do not want this Charter because it's no good for them. I'll say again, it's the people's Charter, and this Charter is going to pass. Thank you.

Alderman Lopez stated it will only be the people's Charter if it passes. We right now have a Charter that the people did pass.

Rita O'Connor, 23 Country Club Drive, Manchester, stated:

Madame Chair, Commissioners, thank you for letting me speak tonight. I am not any of the officials, and I'm not here for any gain, but I am here to speak. My name is Rita O'Connor. I reside at 23 Country Club Drive in Manchester in Ward 12. I wish to speak tonight to urge you all to keep the Alderman-At-Large positions in the new Charter. I feel it is imperative because there should be as much elected representation as possible on the Board. The 12 Aldermen from the 12 wards have a tendency to vote for their own agendas in their wards. The Aldermen-At-Large have the entire City interest at heart and not just a certain ward area. I feel you really should consider adding more Aldermen-At-Large to have a better rounded, fair voting practice for the decisions. They will affect all of Manchester residents. I feel with a population of over 100,000 residents here, there should be more than 12 people deciding what gets done and what doesn't in this City. Thank you, and I agree with our Mayor. I think he has said everything that we could possibly say.

Patty Cornell, 787 Montgomery Street, Manchester, stated:

I'm here to say I would vote against the Charter because I do like the Alderman and School Board At-Large positions. I think their constituency is the entire City, not just one ward, and I like the fact that when I would have the occasion to call somebody for something, I would have two people to call, my At-Large person and my either Ward 12 Alderman or School Board member. I also don't think we should get rid of the Commissions. I think they're a citizen advisory panel to the different departments, the fire, the police, the highway, and the parks and recs, and I am a Water Commissioner myself, and I think we do set policy and act as an advisory board to the department, and I take it very seriously, and I think the other people on those Commissions do too.

Richard Fradette, 166 North Gate Road, Manchester, stated:

I appear before you this evening on behalf of the MDC. I'm a member of the MDC and have been maybe six years or so, and what I'd like to address is specifically Section 3.04 of the Charter Commission wherein the MDC is included as a Commission or Board, and I want to call to attention of the Commissioners that MDC is in fact a separately incorporated corporation and as such should be viewed as not a Board under the jurisdiction of the MDC or the Charter and rather governed separately under State Statute. I'm sure it's something that, in fact I know it's been addressed to the City Solicitor's office. We are represented by Dave Barnes, and he penned a letter to the City Solicitor, so I just would call it to your attention to address on behalf of the MDC.

Chairman Dykstra stated right, I believe that's going to be corrected.

Mr. Fradette stated may I also speak now as a resident, not as an MDC member.

Chairman Dykstra responded certainly. Sit in the other chair, though. Go ahead.

Mr. Fradette stated speaking as a resident, can I state in advance that I won't take any questions from Commissioner Shaw unless he gives me a steak and cheese sandwich. But as a resident, I grew up here in Manchester, lived in Manchester most of my life except when I was in school, colleges. I listened to the discussions on TV, believe it or not as many people do. I enjoy it. I learn from it, and I enjoyed the discussion this evening. I guess I would just suggest to you that I thought that the Mayor's comments were particularly insightful and persuasive. The City is going in the right direction. We are doing a lot of good things for our residents and for our kids, so I would encourage you to really think hard. I know you've put time into the deliberation process, but if you could take a step back and think about getting a consensus, getting something that is more representative and something that the City at large can seriously address. So I believe the Mayor did as this young woman said just before me presented a good statement on behalf of the residents of the City of Manchester.

Commissioner Shaw stated I'm quite concerned that there's an impression so maybe you straighten me out on it. If it's the wish of this Commission, even though it might be a 5-4 vote to lower the cost of government, to improve its services, to do the things that the Mayor formed committees to come back three and half years later to do, wouldn't that be advantageous to the citizens? In other words, the whole thing has to be looked at. Doesn't it sir? You're a lawyer, so do the whole case.

Mr. Fradette stated I'm a pharmacist.

Commissioner Shaw stated oh, excuse me. I was thinking of the other Fradette.

Mr. Fradette stated I'm a lawyer. I'm a father. I'm a resident. No, no, I'm the same guy. I'm a lawyer. I practice law for a living. I'm also a pharmacist and a father like I was saying, but one of the nice things about not being an elected official is I don't have to answer that question. It's because it's a political question. I mean, you're asking a question that is loaded, and I don't have to answer that. I can say though that the people of the City of Manchester are I think as a whole very pleased with the way things are going. I am. I know that we've been through difficult times. We've been contentious, and I think that right now and I would say for probably the last three, four years, five years perhaps we like what we're seeing, and it is a responsible form of government with responsible deliberative discussion of the issues, so to ask me whether I would endorse something if it reduced the cost of government, I think is a loaded question.

Commissioner Hirschmann stated just one small question. I don't want to get you upset because I could use a lawyer and a pharmacist. Attorney Fradette, who appointed you to the MDC Board? Which Mayor?

Mr. Fradette stated it would have been Wieczorek I believe. Mayor Wieczorek. I came on right when the old Board was dissolved.

Commissioner Hirschmann stated the reason I'm asking is I'm curious. How many terms have you served on that Board or Commissioner? How many terms have you had on the Board?

Mr. Fradette responded you know I celebrated my 49th birthday, and that means I'm in my 50th year, and my memory is lapsing. I really don't remember if I've served two or if I'm in my third term, but it's either one of those two.

Commissioner Hirschmann stated I think I voted on your confirmation twice, so I know you're at least in your second, but I wanted to know because we are trying to make change in government, let new people sit on Boards and Commissions, so I'm just trying to get a feel of how many times you've actually been on that MDC Board.

Mr. Fradette stated it's either two or three, but I thank you for that question only because what the Mayor said about ZBAs, I do practice land regulatory law, and although I think it is a good idea to discuss term limits, we don't have to do things in broad brushes. ZBA is a particularly thorny area of law, and ZBA members usually only learn their skills after hearing a ton of ZBA applications, so term limits have their merit, but there are perhaps some exceptions.

Paul R. R. Martineau, 490 River Road, Manchester, stated:

The reason I'm appearing tonight is because I couldn't appear when you had the elected officials appearing because I was in the hospital. Basically, I don't want to be redundant. One of the things I believe is that the Aldermen-At-Large, that we're a representative government, and somebody has to show me where the Aldermen-At-Large and the School Board members At-Large have been a detriment to this City. I don't believe it. If you look at the people that have served, Alderman O'Neil, Alderman Girard, Alderman Lopez, they've contributed to the Board. Attorney Cook, John McDonough and his replacement, attorney Kacavas, and Kathy Kelley-Broder have contributed to those Boards, so my feeling is that shouldn't happen. As far as the Commission, I think there's citizen input. I don't think we should do away with the Commissions, and lastly as far as the Welfare Commissioner, I believe the Welfare Commissioner should be an elected position. He's responsible to the taxpayers and the voters. If it becomes

an appointed position, not that it would happen, it could lend itself to cronyism and who's to say the person appointed is going to be a good administrator. I forgot to identify. I live at 490 River Road in Manchester, New Hampshire. That's basically what I have to say.

D.J. Murphy, PO Box 10143, Bedford, stated:

It's Donald J., not to be confused with Donald Murphy except for an individual that's not an a.k.a. attributable to me. I'm a resident in Ward 3, ran for Selectman. 447 fine voters voted for me. My contact point is PO Box 10143, Bedford, New Hampshire. Write any time you want. Just make sure it's germane to whatever your issue may be. I want to quickly just take a good look here at the preliminary report that we saw up on the visual aid board. It's here after the letter. It hasn't got a page number on it, so I'm going to call it one rough and two rough which is the second page. Okay, it's just a quick preliminary review of what the subsistence of the revised City Charter that you want to present to the public for their approval at the general election in November. So I'm not going to go too long since it's only characterized as preliminary, Madame Chairwoman. Looking at the preliminary report, I want to go and skip over a lot of it. I'm not in agreement with a lot of it. It sort of gives you a very brief synopsis of what they want or what you are presenting to the public. There's greater detail inside the revised Charter itself. One of the things I want to point out from past experiences in different Mayoral administrations that go way back...earlier we heard Mr. Baines was talking about \$6000.00 for the Mayor, John Mongan. I worked with Mayor John Mongan during this administration. Roland S. Valee, Charles R. Stanton. I did not allow a response to the detail of the City water pipe. I didn't allow the water pipe to go up the hill in the Route 28 Bypass to Hooksett. No water coming from Massabesic for Hooksett, nor did I allow it to go down to Sandown, but that's somebody else's decisions, not mine. I just wanted to put that on the record. I'm hearing so many other people saying it. So quickly I just want to go down to the bottom of the page. I'm going to take a look at providing a period of public testimony at Committee meetings for the Board of Mayor and Aldermen and School Committees. If you've ever been Mayor in May, May 23rd, June 16th, June 18th, July, July 27th, it's roasting hot. We're in City Hall over here in one of the rooms, no air conditioning system. You want to stick to just what the committee is saying because it's a committee meeting, not a public hearing, not a public presentation. You'll have people pushing and shoving across the table. You'll mire down. Right now, it's very effective. It's very efficient. Committee meets committee. Your participation is null and void. You can observe, take your time, view the materials within the next two, three, four weeks. You write down your response. You distribute it to the Aldermen, distribute it to the State Senators, your State Representative, whoever may be affected by these decisions or who was not there at the committee meeting itself. That's unnecessary to say we're going to provide public testimony. It's only going to be interfering,

interference with what a committee means. Now let's go down underneath that. So I'm going to have to characterize public testimony at committee meetings as a radical extreme. Let's step down underneath that now. We're going to get to providing that the Mayor rather than the Board of Aldermen nominate City Officers and including the City Solicitor as a City Officer. We've been through this before. You weren't there. I was. The Mayor runs around. He's running up and down the stairs. He's saying, "My dear God, come here, come here. How old are you?" Well, I'm 16. "You got anybody for me? I need somebody go over there and help run the Parks and Recreation?" I say, "What do you mean?" He says, "Well, all I've got is my friends. All I've got is my friends I went to college with and drank with, went to panty raids at the sororities with, so everybody knows me wants to get into the politics with me because I'm the Mayor, but I'm not getting a broad band exposure to the world outside, you know. I'm not getting enough exposure to the people highly educated, to the people who are professionals in their fields." So this has happened before. I don't see this as progressive. I see this as regressive. He was looking for something new. He was just talking about. We want to start to get new people in, new people involved. That step seems backwards. We're going to make the Mayor the personnel, you know, agent. It becomes as soon as the old Mayor is out, new Mayor is in.

Chairman Dykstra asked any questions. Hearing none, I wanted to thank you very much.

Mr. Murphy stated I'm not through yet.

Chairman Dykstra okay, we'll give you another minute, sir. Certainly.

Mr. Murphy stated I'm going to go to rough draft number two. Rough draft number two, page two. I'm going to come down to tightening provisions for Charter enforcement and Ethics Code, adding department heads and officers to definition of City officials and standards of conduct. Well this seems counterproductive, Madame Chairwoman. We already have if you read the sections, we have section on page 32, 9.03(f), full financial disclosure. We have to add the word full because it was in the last Charter. Somebody wants to remove the word full for some reason. All elected officials, excepting ward City officers as presently, they do this quarterly four times a year is to remain. This is what I felt should be done. They want to make it annually. I mean if I was in some seasonal agribusiness or I was in horse racing for example, in which I'm at Santa Anita, my year closes and opens and closes in October and closes in December, I may make a fortune and not have to report it. Why? Cause I can open the company and close the company, and nobody will know what I'm doing, so it's quarterly. This is very well thought out. I'm almost through here. On page 31, Section 9.03, in support of we don't have to include the department heads as City

officers or inclusion into the standards of conduct and responsibilities of the ethics code to them because they already have an ethics code that applies. The employees are not elected officials. You don't want to mix the two. You have page 31, Section 9.03. That's subcategory a), b), c), and d). They already cover department heads and officers, and this shows a lack of attention to the detail concerning cross referencing. I'd like to close out just with that point.

Commissioner Duffy stated Madame Chair, before we hear from the next speaker, I'd like to make a point of order. I believe this Commission adopted the rules of the Board of Mayor and Aldermen as far as conducting its meetings. Is that correct?

Chairman Dykstra stated I didn't hear you.

Commissioner Duffy asked did we in fact adopt the rules of the Board of Mayor and Aldermen as far as conducting our meetings.

Chairman Dykstra responded yes. What is your point?

Commissioner Duffy stated my point is those meetings have a certain decorum that goes with public testimony. I think what we just witnessed something that didn't in fact comply with that department and decorum.

Chairman Dykstra asked could you be specific.

Commissioner Duffy stated I think it's obvious. Thank you very much.

Chairman Dykstra stated I thank you for your comment.

Commissioner Pepino stated yes, we did adopt the rules of the Board of Mayor and Aldermen, and there's been exceptions to the rules of the Board of Mayor and Aldermen at a public hearing, even at a budget hearing where somebody sat there and accused somebody of something, a person sitting there, was not true, where the person says to the Mayor, "I have to talk to this man." The Mayor says, "We don't talk at hearings." I said, "Well, this man wants to talk," and I explained the whole thing to him. The guy sat there. He was lying. He was talking about me. Thank you.

Pauline Black, 236 Douglas Street, Manchester, stated:

I can't understand why they want to get rid of the Aldermen-At-Large and School Board At-Large. I've had to use the At-Large ones for a few times, and I was grateful they were there because the ones from my ward weren't there. They help Manchester. They've helped a lot of people in Manchester. They've helped me a

lot. I had to leave Manchester and come back, to see that Manchester is finally progressing because I've been thinking for a while Manchester was going nowhere. We were just sitting there, doing nothing, and we need the Mayor, and if want the Mayor, he's got to have the money to live on. The Commissioners the same way. Leave things as they are. I agree with Bob Baines, and I agree with Mike Lopez 100 percent. Like I said, he's always been there when we needed him. Why get rid of them? Why get rid of something that works? Manchester has always done that, get rid of something that works. Why have you always done that? When I was a little kid, it was the same way. We got rid of everything that worked. You don't want it. Well, keep things that work. It changes us. Well, it doesn't leave us 20 years behind times like we used to be. We're getting ahead a little bit. Let's keep it going that way. We need it the way that the government is going now. Stop. Stop saying no. We don't want something that is working. Just keep going at it the way you're going. It's going to be beautiful because Manchester is growing, and Manchester is going places. I was very surprised that Manchester would ever do that because I was born and raised in Manchester, and I thought it was a deadbeat town in a deadbeat state. Now, it's starting to liven up. It's great. I'm proud of what my grandchildren are going to have in school that we didn't have in school. It's progressing, and it's doing good. Please keep it up. Don't try to get the At-Large out. Keep them in. Let the Commissioners and the Mayors and the Aldermen do what they're supposed to do, and this town is going to go a long ways. Thank you.

Joan Porter, 237 Woodcrest Court, Manchester, stated:

I am here speaking tonight as a representative of the department heads of the City. I am also the Tax Collector in case you didn't know. Madame Chair and members of the Commission, I'd like to thank you for allowing me the opportunity to speak before you this evening. My comments to you this evening are not my personal comments but those of the majority of the department heads of the City who requested that I appear before you on their behalf. The department heads and City officers have agreed that there are four areas of concern in the proposed Charter which they would like the Commission to review and consider changing. They are as follows, not necessarily in any priority order. Number one, the requirement that all Board of Mayor and Aldermen actions be referred to committee review or be required to lay on the table. That will delay a process that has many delays already built into it or cause many special committee meetings at the expense to the taxpayer. We've been striving to provide City services in a more expeditious manner over the years. Number two, the requirement for department heads and City officers for financial disclosure of all personal finances should at a minimum be modified. Requiring department heads and City officers to sign a sworn statement certifying they will not participate in the decision making process of any matter in which they have direct personal or financial interest would adequately protect the City without making a department head's personal finances public

information. Alternately, requiring a statement of financial interest like that defined in RSA 21-G: 5-a III might be considered but probably provides less protection for the City than the sworn statement would. I am providing copies of two samples used by the department heads from other Boards on which they serve, and that's in the packet that I have for you. The proposed language regarding the removal of a department head or City officer with only a simple majority of the Board of Mayor and Aldermen, potentially six Aldermanic votes, should be changed back to the current language requiring a super majority vote. We believe a Mayor with a strong relationship with the Board of Aldermen could remove a department head or City officer without just cause. They could become yes people for the Mayor in order to protect their jobs. Number four, adoption of a biennial budget without permitting carryovers for departments provides no benefits to department operations or to the taxpayers of Manchester. Biennial budgets should only be considered if funds are carried over from year to year. Fallback budgets hinder the process by encouraging avoidance of creating a responsible budget. Thank you for your time and consideration.

Commissioner Shaw asked do you think the department heads would favor going back to a system where they have terms.

Tax Collector Porter responded no, I don't.

Commissioner Shaw asked because...

Tax Collector Porter responded for the same reason that we're talking about removal. Because when you have terms, you have to look for votes.

Commissioner Shaw stated but you did have terms before the current Charter.

Tax Collector Porter stated the department heads did. I was not in then. I came in at the wrong time or the right time, whichever.

Commissioner Shaw stated okay, but you wouldn't favor terms.

Tax Collector Porter responded no.

Daniel O'Neil, 621 Lake Avenue, Manchester, stated:

I want to thank the Commissioners for their many hours that you've put in to date. I'd like to comment on some of the recommended changes. Regarding public inclusion, my understanding is your recommendation is that require committee work and for items to lay over. Some actions actually though require emergency action by the Board or actions that can't wait two, three, four weeks, more than a month for approval. I'll give you an example that was just...it's a simple example,

but it was just used a week or so ago here. It was determined that we didn't have any American flags to put up on Elm Street. They were all damaged. With a unanimous consent vote of the Board of Aldermen, it was brought in as a new item and voted on that very same night, so that we could purchase 24 flags to get up on Elm Street. It's a simple example, but it's a true example. Regarding commissioners, when the current system went into effect, I didn't like the role of advisory only. As the years have passed, I believe that the current system however is working. The Commissioners serve as very strong confidants of the departments, always supportive of their respective departments, and key advisors to the Mayor and to the members of the Board of Aldermen. I'm going to site a couple of examples. Recently, the Police Commission led by Chairman Fern Gelinas played a very strong role in the selection of the new Police Chief. Just yesterday, Alderman Devries and myself met with the administration of the Fire Department to discuss their operating budget for Fiscal Year '04, and we were joined by Commissioners Letellier and Varkas who took time to attend the meeting in support of the department's proposed budget. The Commissioners brought up many important points during the meeting. I don't see this in your deliberations, but the current situation of term limits for commissioners. My opinion, it should be eliminated. We have recently lost some very good commissioners, and I'll use an example at the Highway Department. George Gott and Bob Jobin played a very positive role in what has gone on at the Manchester Highway Department over the years. We're going to lose one soon at the Manchester Fire Department, Bill Varkas who has worked very hard in support of the Manchester Fire Department over the years. Compensation for elected officials. There needs to be a mechanism for adjusting the salary of the Mayor other than the Board of Mayor and Aldermen itself. Locking in the salary will only allow privileged to be able to serve as Mayor of this City. In my opinion, it should include a retirement as with any other full time job. Aldermen and School Board members should continue to receive health benefits. Just for a point of interest, at least one member of the Charter Commission who supported the elimination of benefits was a recipient of benefits when they served in elective office. I ask the Commission to look in the mirror. Budgets. I'm not sure what changing the date from the second Tuesday in June to the first Tuesday in April accomplishes. I did hear some discussion earlier. It may help the School Department, but I'm not really sure what else it helps. To go back to fallback provisions to the prior year's budget will create a disaster in the City of Manchester. Schools will close. Fire stations will close. Police officers will be laid off. Garbage will be picked up every two or three weeks, and streets won't get plowed for days. Is this what the citizens of this City really want? If there is approval of biennial budgets, they must allow for departments to carry over the money to the second year. Regarding the elections, I strongly encourage you to reconsider your vote and maintain non-partisan. The action that I believe this Commission has taken in fact is returning to partisan elections by putting the

individuals' party affiliation next to the name. I'm not really too sure what's accomplished by changing the inauguration date to November. That probably is a Mayor Shaw item. Just an educated guess, Mayor. The At-Large positions should remain. I don't believe there's been a problem. I think they do represent the view of the entire City, whether it's on the Board of School City or on the Board of Aldermen, and I am the one member of the Board of Aldermen who has been both a ward Alderman and an Alderman-At-Large, and I can speak from experience that I have not had any problems in working with the ward Aldermen. I think we've worked well with each other. And again I must make a point of interest. I was fascinated by the fact that two members of the Charter Commission who supported the elimination of the Aldermen-At-Large actually ran for Alderman-At-Large at the last municipal election just 18 months ago. Again, I ask you to look in the mirror. In conclusion, the current Charter needed fine tuning, not a complete revision. Unfortunately, there were pre-established agendas with some of the members of the Commission, and it has led to what is before us this evening. The Charter as presented this evening will lead to a campaign by the public to defeat it. Don't put all your many hours to complete waste. Go back to work. Don't be hypocrites. Listen to the people and get rid of the personal agendas. Thank you, Madame Chair.

Commissioner Shaw stated Commissioner Varkas appeared, the only Commissioner that appeared before us, and he said eliminate the Commissions unless you give us a job, so I'd just like to point that out to you, but my real concern, because you have such a broad experience. You've served under four mayors to the best of my knowledge on budget, and you've served under two fallback positions and this which we propose would be the third one. The first one closed down City government, and on a vote, I think it was 10-2 you know, and I vetoed the budget. Not one Alderman would make a motion to overturn that veto. City government would have been shut down within three days. So we had that position. Now we have a fallback for the Mayor's position. Since you've served on all of them, couldn't you come up with a system that would be sure because you have four different mayors under this fallback. This is my point. You might be serving under the most courageous form of budget process this moment, but wouldn't you admit at least that you've had four different ideas of how the budget should be presented to the Aldermen?

Alderman O'Neil stated I would say that's a true statement.

Commissioner Shaw asked would you say that all of them had risk, all the Mayors were risky, and the method that they approached the subject.

Alderman O'Neil responded every municipal budget is risky.

Commissioner Shaw stated so closing down government when Shaw was there is very risky.

Alderman O'Neil stated closing down government with any Mayor is risky.

Commissioner Shaw stated but allowing a fallback is less risky, isn't it, saying to you that what you approved two years ago is good enough for today, or a year ago.

Alderman O'Neil stated I believe the current system works. I do believe that there would be...I take this particular year in the discussions that are ongoing regarding the budget. The Mayor's budget would create some hardship in the City and some hardship within respective departments. At times, we would not be providing in my opinion full services in highway or in fire. I think the Board will make adjustments to that, but I do believe if the fallback was to last year's or the current year's operating budget, it would create disaster and Mayor, as you know, we are simply about people and service, so the only way you cut is to reduce that service and its people, and it means closing fire stations, laying off police officers, closing schools, I truly believe that.

Commissioner Shaw stated just one more point. Did you know about the reopening of the budget for 90 day periods. You do know that that's in this Charter which wasn't in the other Charter.

Alderman O'Neil stated in the current...

Commissioner Shaw stated in our version, you have...

Alderman O'Neil stated I guess I am not aware of that, Mayor.

Commissioner Pepino stated listening to you is like listening to an Alderman's meeting. The first thing you hear, "We're going to close the fire stations. We're going to lay policemen off. We're going to do this." Now, you're saying this Charter is going to do the same thing if we have a fallback budget. I mean doom and gloom. I look up there and I always say to myself, "Manchester is 200 years old, and no matter how they handle it, no matter what they do with it, it's going to survive because they've got the taxpayers' backs to lean on." That's all I have to say.

Alderman O'Neil stated if I may Madame Chair, we have had in the past, in the last ten years, we've closed fire stations periodically. We've closed...we put an engine company out of service for a number of years. We've reduced police protection throughout the City, so it's not a threat. It's what actually happens.

Commissioner Hirschmann stated Alderman O'Neil, I respect your point of view, and you and I have always been on the opposite side of the coin. I've always been the tail, and you've always been the head. Who knows how it lands, but there's two sides. On this particular fallback plan, I think the intent of this Commission was to make it rigid, to make the Aldermen really work towards proposing a better budget with the fear that that fallback budget could shut down City government if you were lazy and didn't want to work on a budget and just said, "Ah, let the Mayor's budget pass." We want the citizens of Manchester to get the best bang for their buck. We want our Aldermen to work hard, so I think it was to put pressure on you, good Aldermen, to work hard for the taxpayers knowing that the government could come to standstill if you didn't do your job, and I would like to say that I will be at Ward 12 campaigning for Alderman this year, and I will be campaigning for the Charter, telling people I don't need medical benefits, and I don't think any Alderman needs them.

Chairman Dykstra asked is this an official announcement, Commissioner.

Commissioner Hirschmann responded no. It was a rebuttal to some testimony, and I felt it was directed at me.

Alderman O'Neil asked may I respond, Madame Chair.

Chairman Dykstra stated certainly. Are you running too? Okay, go ahead.

Alderman O'Neil stated Alderman Hirschmann with respect, I think we both were known to put in many hours away from City Hall and that was including in budget discussions, meeting with departments and doing what we thought was in the best interest, and I commend you for your past work that way. So I think we've all done that, and I don't think we need a fallback provision as proposed to do that. I think we all do put in the time, and I think you and I were parts of Boards as many of these others have been. The issue of health insurance, I take the City's health insurance. I don't have to. My employer provides it. I have access to it, but I believe there are members both in the School Board and the Board of Aldermen that don't have access because they're retired or they're small business owners, so they contribute to it. It's not a gift, and I think it's a small token for the time they put in here. It's certainly not the money we get here.

Joe Levasseur, 866 Elm Street, Manchester, stated:

I am currently the Chairman of the Manchester City Republican Committee and a member of the Concerned Taxpayers Group and a former Alderman. I guess I'm here in a political framework, but I've heard a lot of comment being said that, and especially by Mayor Baines, that he appreciates those people that have put a lot of time and effort into the City in one capacity or another, but especially the Zoning

Board, so I'm glad that he said that because I bring roughly four years of experience to the comments I'm about the present to this Board. Everybody seems to be talking about killing this Charter just because of one item, and what I've heard here tonight, probably out of 75 to 80 percent of the people who have spoken, it's about the Alderman-At-Large positions. Nobody's talking about all the other things in this Charter that I think are good moves and a lot of innovative ideas, and I think that there has been a fine tuning of the last Charter and also when people...I just could not believe that the Mayor would use his podium to call the Charter Commissioners clowns, fold your tents and go home, it's been a circus. I thought you guys have done a very good job. I think that a lot of the votes have been made down partisan lines, but I don't have a problem. I believe that people belong to parties for certain reasons. They belong to groups of people because they believe in certain things. I'm a member of a Concerned Taxpayers group because I like to keep low taxes, but that doesn't make me an irresponsible person who doesn't want to see the City grow or have money spent in proper ways...so when I look at the people that have served in this capacity and the five people that have voted to pass this Charter, one is a former Mayor, two terms. You have a wealth of experience on this Board that has voted for it. Leo Pepino, you have served as an Alderman. You've served as a State Rep. Leona, you've served in many capacities, Alderman Hirschmann in many capacities, and Mr. Wihby's father has been working for this City for well over 18 years. Now, I look at the people that are on this Board, and I find it very disheartening that everybody would give you guys a hard time for the work that you've done, and I want to say thank you Commissioner Dykstra for allowing us to speak. I think this is the way government should be run. I don't agree with the Mayor that we should only have two minutes for such important items, especially here today. Let me go through my comments on certain issues that I think are important. The Aldermen-At-Large positions when I was an Alderman, there was a vote taken by the Aldermen themselves on whether to send the issue of the Aldermen to public hearing. The vote was 8-6. If you took away the two votes by the Aldermen-At-Large themselves, it was 8-4. These are people that worked with the Aldermen themselves, that were friends. It wasn't along party lines in that vote either. It was Aldermen who worked with the Aldermen-At-Large that have tried the experiment to add those additional people in. Our experience as Aldermen were that the Aldermen-At-Large were unnecessary, that it was an experiment, not an experiment that failed but an experiment that doesn't need to be put in place in this Board, in this City. 12 Aldermen, one representing each ward, and a Mayor to represent everybody else who has a problem with a certain Alderman. If you have a problem with your Alderman, you call the Mayor's office. He has a staff of three people that can handle your problems. Getting rid of the At-Large positions was more of a factor of expediency and saving of money. One thing that this Charter has addressed and I think it's addressed it fairly is getting rid of the benefits of this job that are health insurance. You know, Mayor Baines comes in

here and keeps pandering for a raise for the Mayor's position, but he never mentions any raises for Aldermen and School Board members. It's always about one position, and that being the Mayor's job. I don't believe anybody would work or just comes to this job because they get paid. Nobody on this Board that you're here in front of, the Charter Commission, is getting paid to do the job you're doing, and I've seen you doing all the work you've done, and there were 75 people that went for this job, and it didn't pay a dime. When I hear people talking about running for elected positions and talking about the money, it makes me ill. It makes my stomach turn because if you're in this job for cash, then you're not in it for the right reasons. You're supposed to be here for a lot of reasons. The big one is not for money, so I mean I would have thought that the Mayor's salary could have gone to \$75,000.00. I think that would have been a fair increase, but it didn't go in, but that's not a reason to kill the Charter because of a couple thousand dollars. The other thing that was done by this Board that I thought was good, and Mayor Baines again said that he would kill the Charter if you guys went with partisan elections. Now, partisan elections, anybody who's a member of this City, sits in these Boards, watches these meetings, knows damn well that this City is about as partisan as it comes. You can look at your own Board and look at the votes that were taken, and most of them were taken down partisan lines....When you come in for a primary, it doesn't matter if you're a Republican, Democrat, or Independent, you get to vote. You don't have to fill out any special forms, but by designating your party right on the name of the ballot, you've at least given the people an idea of what you represent when you're running. Now, I've looked for a reason to try to figure out how I could get Ray Buckley, Kathy Sullivan, and Bob Baines to vote for this Charter, all right. I've tried to think of all the ways I could get them to vote for it. So my solution is that since they're against the At-Large positions...they're against the At-Large positions and they're against the Charter, I will run for the At-Large position. Bob Baines, Kathy Sullivan, Ray Buckley can make a decision when they go into the booth. Should I vote for the Charter and kill the At-Large positions so that if Levasseur gets elected, he won't be able to have the job or should I vote so the Charter fails, Levasseur might win the At-Large position. If Baines wins the Mayor's job, I get to sit here for two years and really give him a hard time. So, I'm going to run At-Large and hope that the good people of the City who know me well know that if the Charter fails, you get me for two years, and I'll make the first motion to get rid of those At-Large positions number one. Hopefully, the Charter passes, and I don't have to do the job which believe me, the At-Large guys don't do anything. Now I was an Alderman and the At-Large person, and I won't mention the name, called me to do the job that he could have done himself. He called me up and said, "Could you make the phone call to have this thing done?" Why don't you do it yourself? You're the At-Large guy. They're a waste of time, a waste of position, and the meetings go long enough without them. Let me go a little bit further on a couple of these other items, but hopefully Bob Baines when he goes in the booth, I think I know how

he's going to vote. He's going to vote against that...he's going to vote for the Charter and make sure I don't become an Alderman-At-Large, I can bet you that much. The biennial budget, well the State has a biennial budget. When I sat as an Alderman, I made a motion to make it a two year budget. Give the Aldermen, the Mayor a lot of time to do other things. Gives the department heads an opportunity to know how much money they're going to have to have or need to be able to present budgets, know how much they're going to have to spend over a two year period instead of one. When I asked to make that into a motion, the Mayor said, "I will not accept your motion because we can't have a two year budget based on the fact that we don't know what health care costs are going to be." Well, we all know they were between 18 and 24 percent a year, so you can pretty much guess what the average is going to be. If it comes in lower, you're all set. And now we hear a different story. It's always a different story why can or cannot put these things in. Again, I don't think it kills the Charter if you go with a one year budget or a two year budget. I think that a two year budget makes sense. I think it's more expedient, and it also lets your department heads in the School District know what the money is going to be and what their percentage increases are going to be for the following year, and I think it also saves a lot of time. I want to make sure that I go through everything here. The Commissioners, I do really like the idea of having Commissioners. I'm the City Republican Chairman. I'm supposed to talk about smaller government, but you know what, that's not always the fact. I think that Commissioners should be...there should be Fire Commissioners. I think there should be Police Commissioners. I think there should be more inclusion so if you can go back and think about that a little bit more, whether they have a vote or not, whether they have any power or not. I still believe that there should be Commissioners that should watch over these things that are going on in these departments. The Aldermen cannot watch over every single thing that's going on and cannot be at every single meeting that's going on. Whether they have power or not, they're a pair of eyes, and as many eyes that can be on government, the better our government is going to be, so if you can change that, I think it's something that you should look at. As far as moving up the date, again you heard a lot of School Board people say, "We're very, very happy with the fact that you moved up the date for the School Board." And I think that that alone if you're against one or two or three things in the Charter, that's a very good change, and I think for that reason, allowing the School District to know their budget in advance and be able to go out and get better teachers because they're ahead of the market is a good thing. I think that was a very good compromise on the part of the Board. You know, Alderman Lopez said that he took 2400 calls when he was the Alderman. Well, 1500 of them were from me, so don't let him fool you. In the meantime, I just want to say thank you all very much for all of your time. I know how much hard work this is, and I know that it's tough to have to sit here and listen to this stuff day in and day out, but I'm glad that the people of the City have the tools in the people in this City that are willing to work hard for this Charter. I

will fight to make this Charter happen if I can. I think it's a good Charter. I think that the revisions in there are good. I think you're going to save the City a lot of money by getting rid of the benefits, getting rid of some positions. I think you're going to save the people in this City some money, and I don't think that that's a bad thing when you can find ways to make a more efficient government that can save the taxpayers some cash, so I know you've heard a lot of negative things about this Charter tonight, but I for one believe that you're headed in the right direction. I think one tweaking by putting the Commissioners back would be a good thing, and I hope that you can make these make these deliberations and come back to us with one more little refinement, and I'll do everything I can to try to make sure that the Charter passes. Thank you very much.

Commissioner Shaw stated my question to you has to do with the Aldermen-At-Large. I know you're strongly opposed and feel that they don't provide any extra but what if Alderman Lopez's position was that the Aldermen-At-Large shouldn't be citywide, but they should be district-wide versus citywide. I'm just curious. You heard him speak. Are you so opposed to having any Aldermen-At-Large that you don't favor even three of them instead of two that cover four wards. I'm just curious. People have brought that up but not been discussed. So what's your position?

Alderman Levasseur stated you know, I have a problem because no matter whether we like it or not, there is a river that separates this City, and I fear when we do things like change and make it Aldermen-At-Large, four Aldermen-At-Large that they'll all come from one section of the City. Ward 1 has some very powerful figures, well known people, a lot of money. There's a lot of money up there in Ward 1. I fear that there would be one section of the City that would gather too many Aldermen in one location and have more power over the rest of the City. I think that the southern part of the City has not been as well represented as other portions of the City have been, so I fear that we change that system the way it is now that we may hurt the West side by having too many people from the East side. We may hurt the South end by having too many in the North end. I'd like to keep it the way it is now with one representative per ward.

Commissioner Shaw asked if this Charter after we pass it has 12 Aldermen and voters don't want it, would you be upset that you gave up a good Charter for the sake of two or three Aldermen. I mean what would your position be if this Charter doesn't make it through the people and the thing that it doesn't make it through is because everybody that's come here tonight so far has spoken about 14. I mean what's the reason for a public hearing if the citizens' input isn't to be at least listened to? Okay, and so you mentioned that the At-Large, there'd have to be one for the West side, but you wouldn't have to do that. You could draw the line a different way. You could have three wards on the East side and one ward on the

West side making four wards for an Alderman and do the same for the middle one and the middle one, and you would have 15 which is divisible by two-thirds. I'm just...I'm not proposing it. I'm just saying that you've heard everybody here come tonight so far and be against it. I don't understand you know where we're going to win the argument. I'm not proposing. You'd have to propose it because you're head of the Republican Party.

Alderman Levasseur stated you know, a lot of people think you're kind of flaky, but you know, when I sit here, I sit here and you ask these questions, I know what you're saying, but your problem is you have so much experience with government that have a hard time getting your message across, I think. And you make a lot of sense with your questions because you're basically saying if this Charter fails and we're back to our old one, am I going to have a problem with that. Well, there are ways to change these Charters if it fails, and we go back to our old Charter is by having an elective body that represents what you want. Remember, we had a majority vote of 8-6 to at least send the talking about the At-Large positions to just a public hearing. It wasn't a vote to eliminate. It was a vote to let the public weigh in on whether we should have the At-Large positions or not, and the Mayor vetoed it going to public hearing, so when you want to change, you got to start at the top, put somebody else in that place and then when the Board votes to send it to a public hearing, then it goes to public hearing, then maybe it goes to the Charter. So if we fail here and the City of Manchester has only been hearing the small little blurbs and think that 15 or 18 people that come out killing the Charter because of two At-Large positions, they fall for that over the word of a few people that are working hard to try to make a more efficient and cost-effective government, well we're just going to have to take that risk, work a lot harder, and come back with a different Board. If we don't do it next year, we'll just try again the year after, and that's what politics and that's what the democratic process is all about, working towards achieving your ideals, and we'll just have to keep going in that direction.

Commissioner Pepino stated Mr. Levasseur, you started off tonight with the Planning Board, and then we heard about all of these people they bring in with all this information they have. Now, we're a City with a full-fledged Planning Board. The small towns don't have a Planning Board, so therefore, they're elected, cause they have to have a Planning Board, but we are put in the same position as the towns that we have a Planning Board even though we don't need one because the state says that we have to have one. When I sat here tonight, I expected public hearing from the people, and I did not want to hear 12, 14 all night long. That's all we've heard. Is this all the people want us to change in this Charter, and if we change that, you're all going to stand up and say, "We'll vote for it." That's the only problem tonight. We've heard from everybody, 12, 14, 12, 14. I don't understand it myself.

Alderman Levasseur stated I honestly can say and I believe this truthfully, I think that Mayor Baines, a lot of people came out and said tonight that he did a good job and whatever. I really believe that there's a lot of changes in here that he agrees with, but politically he can't say what he really feels. You've heard me come in here as the City Chairman, and I think there are some things that need to be fixed in this Charter. I don't agree with some of the things that are in this Charter, but I'm not going to sit here in a partisan way and say, "You know, I can't tell you." I think the Commissioners should come back. There's a lot of people that don't agree with that. I mean, I've worked as an Alderman. I've worked with the School Board. I think I can bring some experience to this question, and I think that the Charter for the most part has some good ideas in there. I think that there are people who would like it a little bit more this way and a little bit more that way, but the way it is is 5-4, and that's the way it went down the line, but I think that some good changes have been made here. You know, I just think that there's a lot of politics involved in certain statements that are made here in front of these Boards and in front of the television set.

Chairman Dykstra stated I want to thank you very much for your testimony.

Alderman Levasseur responded I appreciate your allowing us to speak for so long. Thank you very much, Commissioner.

George Sylvester, 1520 Belmont Street, Manchester, stated:

He's a tough act to follow let me tell you. My name is George Sylvester. I live at 1520 Belmont Street in the rich section of town, ward one, according to Joe. I'd first like to thank you for having me have the opportunity. I do represent the Concerned Taxpayers. I was just voted in as the Chairman of the Concerned Taxpayers.

Chairman Dykstra stated congratulations.

Mr. Sylvester stated thank you. I'm not sure. First of all, I am not a politician, and I don't plan to be, so I'm not up here saying I'm going to run for anything, but I think what you folks have done has been a good job, and I will do everything within my power to make sure that this Charter passes because I think you had the people say to you when they said we want a new Charter. We want a Charter Commission to do something. We want change. We need change. The reason I ran for the Concerned Taxpayers' Chairman is because my taxes have gone through the roof, and quite honestly, I feel bad for people on fixed income in this City. I don't know how they could afford to live here. We had eight percent. We had re-evaluation. We're going to have another six percent, and you look at where we're in, changing times, very difficult times, and it's not going to get any better.

You'll probably see next year another ten percent, and I think we're going to force people to move from Manchester, and that would be a sad thing. I am a little bit sad because I'm not a politician that all the voting on this Commission was 5-4. I find it hard to believe, cause I spent my life in the business world that you don't set politics aside and do what's right for the City and what the people want. People want change. We're in changing times. We're in difficult times. People want to see change. People want to see taxes go down, not up, continuous spending. The one point in here that really irritates me is the public comment at regular meetings. Since I got involved with the Concerned Taxpayers, I spoke at the two minute bell at the Board of Mayor and Aldermen about three times now, and I think it's an insult to the taxpayers' intelligence. People walk around. People don't answer. People don't respond. I'd rather have somebody tell me, "Mr. Sylvester, you're full of crap. You don't know what you're talking about," than just walk around. You get no response. I think it's an insult to people to go through this charade of having you got two minutes and you got 30 seconds and respond, but you get no response. I was here at the public budget review on Monday night, same thing. People got up, spoke about the budget, what they didn't like. No response. I tried to find out from the City Clerk how many people work for this City. I really would like to see the people that put that budget together and see how any Alderman could vote for that budget without knowing by department, and it's not in the budget, how many people in each department. And nobody could tell me. I asked around here that night. I heard 2000, 2200, 2500, 2800. I'm not sure how many people work for this City, and I think to be able to say you understand that budget and be able to vote for it, and I've been through budgets my whole life. You can't do it unless you know the people in each department, how much money they make to be able to decide is this a good budget or bad budget. I think the City doesn't spend a lot of money on frivolous things. It's all in two lines, salaries and health benefits, and I don't know. I couldn't tell you, cause I couldn't find out what percentage of the health benefits are paid for by the employee. The private sector of the economy we're in, it's gone from 80-20 to 70-30, and it's going to go to 60-40. Some companies are asking employees to pay 40 percent of their health care, and I don't know what the City pays, but I think these are things that should have been in the Charter, and I think you folks have done an excellent job, and I think you didn't go deep enough. I think the City the taxpayers want, I think you ought to go in to say we're going to restructure City government from top to bottom. You got 23 departments. The State only has 16. I looked up on the Internet. A city like Santa Clara, California, 158,000 people, six departments. These are the kinds of things that save money. A leaner government makes savings of money, and this is the thing the taxpayers want, so I will do everything within my power to make sure that this Charter goes through.

Commissioner Shaw stated how do you think we can counteract the fact that we have 28 elected officials against this Charter, just about. We have the School Department, even though there's many things within the Charter that benefit schools some greatly, and they come down here and say, "We're against the Charter." And then you have the public employees who get to vote on this particular thing, and it affects them.

Mr. Sylvester stated I think all those people you've mentioned have their own agenda. A good example is we went out as Concerned Taxpayers because we were against the baseball stadium. In my right mind, I can't imagine this baseball stadium flying and being successful, and I will tell you we will get that on a referendum because we will get 7000 people to sign to have it on public referendum, and I have not met one person to date that wants the baseball stadium, and I'm saying we have to get out and tell your story. Your story has to be told. I think the big thing is you got to talk about what you've done to save taxpayers money, cause people in this City have had it. I mean I sat here the other night and listened. There's so many great causes, so many things that people need, but you can't get it on top of the taxpayer every single time. You have to start trimming back and running a lean government. You have to get more out of less, period, and that's what you're going to have to do. I mean I heard somebody say, "Oh, you might lose...you'll close down fire departments. You'll close down..." I mean to me that's sort of like scare tactics, you know. I've never seen anything happen. Maybe we have closed down fire departments. Maybe we have closed down police departments, but you know what, the City is still here. The City is still strong, and it's still going on, so I think that that way you scare people to vote against the Charter, but I think you got to get your message. You got to have it out by as many people as you get, and I can tell you that the Concerned Taxpayers, the taxpayers of this City that are paying the freight. You get the message out that you're trying to save the taxpayers money, it'll get passed.

Commissioner Cook asked what in this Charter makes taxes go down, and what in the old Charter makes taxes go up. Isn't it true, sir, that taxes go up or down based on the votes of the people who are elected?

Mr. Sylvester stated that is true. My only comment to you, this Charter versus the last Charter, I guess if I...I even thought of running for this Charter Commission, and if I thought the old Charter was the way to go, I wouldn't have ran for it. Why did you run for the Commission if you didn't want to make changes? Cause we're all about change. Everybody wants a change. We've got to have change. I can't tell you specifically, cause I have not gone through every line item on the Charter what saves money or what doesn't save money, but I'll tell you when you say you're going to take people out, it saves money, cause that's where you spend your money. I think that when you go in front of the Board of Mayor and

Aldermen, to me, I'd just soon speak to 12 people than 14 that don't listen. I'd just soon rather speak to 12 people that aren't listening than 14 people that aren't listening, and I commend you folks for this public hearing because it's the first time I've sat in front of people that you had interaction and let me praise you for that because every other public body that I've spoken to, well I could talk to the wall and get the same response.

Chairman Dykstra stated we appreciate that comment. Thank you.

Mr. Sylvester stated I think it's been very good. I'm sorry I can't give you per se...

Commissioner Cook stated I'll give you my answer. There's nothing in this Charter that saves taxes, and there's nothing in the other Charter that raises taxes. It's what the Aldermen do here. If you had a concerted effort and elected two conservative At-Large Aldermen who added two more votes to keep the budget down, you'd be from your perspective very happy.

Mr. Sylvester stated I come from a background bigger doesn't always mean better. I've worked for small companies all my life and competed against the IBMs of the world, and believe me, with a small number of people, you can get a lot more done than you can with a larger number of people.

Commissioner Shaw stated I wanted to question Commissioner Cook, but I'll wait.

Chairman Dykstra stated okay, we can discuss later. Thank you very much Mr. Sylvester. We appreciate your comments tonight.

Raymond Buckley, 24 Gabrielle Street, Manchester, stated:
I served my ward as an Alderman, a member of the Board of Mayor and Aldermen back from 1991 to 1993. I also served as the Ward Moderator and Ward Clerk, and I have served eight terms in the New Hampshire House of Representatives. I come before you this evening. I didn't intend to speak, but former Alderman Levasseur did make a point that there were some issues that weren't really touched upon, and so there are some things that I would like to state my opposition why I oppose the proposed Charter. First is the issue that deals with the removal of the prohibition of Commissioners all coming from either one ward or from one party. I think that that is a detriment to the rest of the City. I know that there was a fear expressed earlier that with the continuation of the At-Large Aldermen that somehow the North end could end up with three Aldermen and the rest of the City with only one. My fear on the remaining Boards and Commissions, the Commissions that you haven't voted to remove, that could potentially be more of a

detriment. Secondly, the removal of the Police and the Fire Commissions following 9-1-1 and the issues that are relating to homeland security on the federal level and listening to the words of former Alderman Levasseur, the more eyes in government, the better we are, I really think that there are so many new issues that we have to address as we deal with the homeland security issues that continuing the Police and the Fire Commission would be I think prudent for the City of Manchester. As the person who has co-chaired the last two City inaugurations, I have to tell you that moving the swearing in date two weeks after the elections is just not practical. There is an enormous amount of effort and work that's put on by those who sit on the inauguration committees and also the staff of the City Clerk. The amount of work that we have to provide to make sure that we have a smooth and operating inauguration does take some time. I know that the Mayor talked about the transition itself to take over as Mayor, and I know certainly the time period where I had between the transition of when I was elected Alderman, I did come in and sit with department heads. I sat with then Mayor Wieczorek, and I met with various other people involved in City government after my election so that I would be able to be fully informed as an Alderman. If I had to take the position within two weeks, I would not have had that opportunity to prepare to be as good as an Alderman I think that we are needed. I too want to add my opposition to the removal of the At-Large positions. It is my belief that every City in the State of New Hampshire has At-Large positions on their City Council or Board of Aldermen or School Board. I certainly know that Nashua does and that Concord does and Keene and many of the other cities. I think that they provide a purpose. The concern that the At-Large are somehow all going to be grouped up in the North end I was kind of befuddled by that since since the At-Large positions have taken place, there hasn't been one Alderman-At-Large elected out of Ward 1, so I was confused by that, but I did take to heart the words of former Alderman Levasseur that said the more eyes in government, the better we were. That's a quote that he just said, and I think I support that, and so I think the more eyes in government, the better we are, and I think that we're better off with the two At-Large-Aldermen, the two At-Large School Board, so thank you Joe for that lovely quote. I think also the issue of the layover before you can take up, I certainly know that with the expansion of the airport and many other issues that I just dealt with with my one term on the Board of Aldermen, I know that many people in the City that have served on the Board of Mayor and Aldermen have grave concerns over the fact that there are no exceptions permitted, and if God forbid, we do have some sort of situation that happened in Oklahoma or at the Pentagon or the World Trade Center happen here, and the fact that the Board of Mayor and Aldermen would not be allowed to act in an emergency situation, I can't quite understand that reasoning. As to the non-partisan election and this very intriguing solution that this Board came up with, frankly as the City Democratic Chair, it obviously gives the parties significantly more power by being able to express a little bit more control over our elected officials the more partisan the elections become.

Currently, with the non-partisan election, I've never been able to sit with a majority of either the Democratic members of the Board of Aldermen or School Board members during my six years as City Chair the entire time with the non-partisan elections simply because they do not believe that they owe their elections to any one political party. Even I think this slight change will change that dynamics significantly. Now if you wish to give me that sort of power, I find that quite interesting, but I don't think that that is really what your main objective is. Now there was a local lawyer that reviewed several more changes, and that lawyer called me today and asked if was going to attend and inquired whether or not I was going to speak or not and I said I did not believe that I would, but that lawyer did bring up two other issues in their reading of the Charter. Obviously, I don't have that sort of legal expertise that that person has, but they very much questioned whether or not you have the ability for the Mayor to have a veto, so these are things for you to look into. And they also questioned whether or not you actually give the Board of Mayor and Aldermen the authority to enact and call a special election. I did not have time to research that, look into it, but those are the two issues that somebody went through and looked at. Madame Chair and members of the Committee, I think that you heard from all walks of life here in the City this evening, and I think you heard from some fairly thoughtful voices. It's not too often that I sit and am in agreement with the President of Manchester Chamber of Commerce. It's not too often that you hear the sort of widespread diverse voices that came this evening to speak in opposition. Although I did not keep a head count, I believe that the overwhelming majority of people that did appear before you said that they will work very hard for the defeat of this Charter as you have proposed it at this time. I would ask that perhaps that you revisit some of these issues. Go back to the table and begin anew and try to present something that the City of Manchester can unite behind. Thank you.

Commissioner Pepino stated Representative Buckley, we just heard from Mr. Levasseur was it, Chairman of the Concerned Taxpayers.

Chairman Dykstra interjected no, that was Mr. Sylvester.

Commissioner Pepino stated Sylvester, whatever his name was. I don't understand this. He sat there and told us what a good job we were doing. He agreed with us. Now you being the past Chairman or President of Concerned Taxpayers, you're telling us the opposite, and as far as homeland security and this and that, I buy that. If you recall, there was a bill put in the House this year for just to look at security in all the airports in New Hampshire, and the House chose not to look at that. That's all I have to say.

Commissioner Shaw stated first of all, on the veto, the Mayor does continue to have his veto. That's required by State law. We couldn't change that is we

wished to change it, and on the issue that you brought up on special elections, I'm sure that is covered by State law too, but we could look into that. But my concern would have to do with your philosophy. Changing the government in November after the election which is done in many communities across the United States. Many communities do not allow lame duck forms of government which this Charter tries to eliminate, a lame duck that wants to give raises, do a lot of other things that are to the detriment of the incoming Mayor. So my point to you is having a wonderful event where 14 people raise their hand and say, "I do". Well, it's not a wedding, you know, but these 28 people, they can't get ready in two weeks, and I would like to follow up because I would like to tell you. Maybe I should tell you in advance, sir, why we made the change was for the benefit of the School Board that needed an earlier budget to be passed, and in order to do that, for a Mayor who takes office in January, he doesn't have the time. So wouldn't you see that we came with a solution, moving it forward there. We gave the Mayor 45 extra days to hire the best teachers that Manchester can hire. Isn't that a plus in this Charter? Nobody cares for that. Not even you?

Mr. Buckley stated I'm sorry, former Mayor Shaw that you have forgotten that it's actually 90 people that are sworn in at the City inaugurations. We have the Mayor, the Welfare Commissioner. We have the two At-Large Aldermen and the 12 Ward Aldermen.

Commissioner Shaw stated I stand corrected. I'll propose in the Charter that all of the people that we don't need take office in January.

Commissioner Hirschmann stated Representative Buckley, I remember when you were an Alderman, and I believe your ward actually was the Airport district where the Airport was. We've actually gone out of our way to make sure than an Airport Authority member is an Alderman now, and I think that you wish you could have had that when you were an Alderman. I'm just guessing, but you could respond.

Mr. Buckley stated do you want me to answer that, then you can ask another. If you were to do that, I would hope that it would be the Ward 8 Alderman that'd be sit there. The Ward 12 Alderman, although there is some Airport noise, isn't quite as impacted as the Alderman from Ward 8.

Commissioner Hirschmann stated we're actually leaving that up to the Aldermen to decide, but we thought that was insightful enough to put into the new Charter. The other thing I thought was insightful is the next inauguration that you speak so much of, there were a lot of taxpayers and voters that were frozen out of this inauguration because it had to be on New Years Day. Everybody was at home celebrating the New Year, and all of our public officials were getting sworn in, so insightfully Mayor Shaw came up with an idea that the new inauguration is

actually in November which helps get the inauguration over with, gets the new elected officials' feet running and wet, so they can work on budgets, work on City items, and we felt that that was pretty insightful for both public officials and the public itself.

Mr. Buckley stated you want me to respond to this.

Commissioner Hirschmann stated if you want to, you can.

Mr. Buckley stated well, Commissioner, I certainly appreciate that you did not bring up my well documented hangover that I was suffering from at the last inauguration.

Commissioner Hirschmann stated I wasn't aware of it.

Mr. Buckley stated you need to buy Michael Cousineau's book about the first year of the Verizon Center. Although I do agree that it should have been changed so it did not occur on New Years Day, actually I think it was the reverse because it being on a holiday, on a day that nobody had to work where in past years, I know there were even when members of the House got elected to the Board of Aldermen, they had to skip their committee hearings, and they had to skip other things to attend the inauguration so I'm not sure that it really cut down on the amount of people that attended the City inauguration. In fact, I think it was one of the better attended, and I think I've been to the last ten or so. So I'm not sure that it cut down on the attendance of the inauguration. I do think that it needs to be adjusted so it probably does not occur on New Years Day again, but I think having it occur two weeks after the election just is not a very prudent choice.

Commissioner Hirschmann stated just a final thing. One of the more compassionate things that was done with this Charter revision was respect to Commissioner Tessier was with the schools for many years, so all of us did defer, all of us to her to move up the budget time to April because it affects a lot of teachers, over a thousand teachers in our community that have families and things to worry about, and we're worried about those pink slips, so obviously I want this Charter to pass, so when you sit there and say that you're going to rally against the Charter, I really wish you would think of who you're going to hurt because so much went into this Charter to help the school teachers of this community, the taxpayers of this community, and the people that really vote and really count, not the politician. I hope you don't rally against this Charter for political purposes, being the Democratic Chairman of the City, and I'm going to leave you with that.

Mr. Buckley stated thank you, Commissioner. In fact when I was sitting as a member of the Board of Mayor and Aldermen, it was then Mayor Ray Wieczorek

that strongly encouraged us to change from the January first budget to the July first budget, and I believe it was Alderman Buckley from Ward 8 at the time that was the swing vote to enact that, so I find it remarkable that you stand in opposition to the fine work of former Mayor Wieczorek.

Commissioner Hirschmann stated no, you made a mistake. That's all.

Chairman Dykstra stated we're going to close right now. I do want to thank you, Representative Buckley for speaking on such short notice. Okay, I believe that's everyone that's planned to speak.

Chairman Dykstra addressed item 7 on the agenda:

Presentation, if any, of other communications received from the public.

Chairman Dykstra stated right now we do have some communications that the Clerk's office has received for the Commission, and I'm going to have Carol speak on that now. These are communications that are part of the public hearing.

Deputy Clerk Johnson stated you have two communications to place into the record. One has been received from Leslee Stewart, the Vice Chairman of the Board of School Committee. You have a copy of that before you. She is requesting that you review the At-Large seats. She states that doing the City budget earlier in the year is advantageous for planning and efficiency but is stating her concerns with the fallback provisions and stating that the capping of the Mayor's salary at \$68,000.00 she believes is short-sighted, and feels that the January date allows for a smooth transition from Board to Board. That summarizes the comments. You do have all of them before you. The second communication was received from Russell Ouellette who is the Curriculum and Instruction Chair of the Board of School Committee, and in his comments, he is also stating that he strongly feels they need the At-Large seats. He felt that the City budget earlier in the year is a good idea. Again, he also states concerns with the position regarding the prior year's budget as the fallback budget, and he welcomes the idea of the public testimony. They do it before all their meetings and finds it has been beneficial to the School Board. I have now placed those into the record. It's my understanding you did not want them read.

Chairman Dykstra stated those will be put in with the other testimony.

Chairman Dykstra advised that all wishing to speak having been heard, the comments presented will be taken under advisement with a final report to be presented by the Commission at a later date.

There being nothing further to come before the public hearing, on motion of Commission Hirschmann, duly seconded by Commissioner Shaw, it was voted to adjourn.

Respectfully submitted,

Deputy City Clerk

Approved for Commission: _____
Donna M. Soucy, Secretary